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## A Review of *Enhanced Interrogation: Inside the Minds and Motives of the Islamic Terrorists Who Are Trying to Destroy America*

James E. Mitchell, with Bill Harlow (Crown Forum, 2016), 309 pp.

Erik Jens

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**Now, James Mitchell . . . has produced his own memoir of his participation in the CIA's post-9/11 interrogation program.**

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*Note to readers-1 Dec 2018:* On 26 July 2018, the Editorial Board received a submission from Dr. James E. Mitchell objecting to this review of his book. Dr. Mitchell's elaboration of his concerns about the review written by National Intelligence University Professor Erik Jens included assertions that the review was "based on false assumptions and flawed logic" and "misconceptions." It also suggested the review had the "imprimatur of the CIA"—which, as an independent journal within the Intelligence Community, *Studies* does not. See disclaimer below. Dr. Mitchell further requested that a reference be included to his book's website, [EnhancedInterrogation.com](http://EnhancedInterrogation.com).

When the Editorial Board chose to publish this review, its members felt, and still feel, that Professor Jens' submission met the Board's standards for publication, though not all necessarily agreed with his conclusions. As it has not been common practice for *Studies* to publish responses to reviews authors may consider unfavorable—and while at the same time understanding the strong feelings surrounding this subject—the Editorial Board elected not to depart from its practice but decided instead to append this note to the digital versions of the review and to the full December 2018 issue to make readers aware of Dr. Mitchell's critique and permit them to visit his website and draw their own conclusions.

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### Introduction

Former CIA contract psychologists James Mitchell and John "Bruce" Jessen are well-known to anyone familiar with the history of CIA's post-9/11 experiment with enhanced interrogation techniques. The accounts of numerous ex-intelligence officials and journalists have portrayed Mitchell as obsessed with repurposing various survival, evasion, resistance, and escape (SERE) torments to induce "learned helplessness" as a necessary prelude to the interrogations of hardened terrorists. Mitchell and Jessen figure in many such accounts as opportunists who allegedly violated their ethical duties as psychologists, then got rich at taxpayer expense assessing the very interrogation program they had designed.

So run the depictions in popular culture of Mitchell and Jessen's roles in designing and helping to execute the CIA's detention and interrogation program. Now, James Mitchell, who until after the December 2014 release of a portion of the Senate Select Intelligence Committee's report on the program was—much to his frustration—barred under his CIA nondisclosure agreement from publicly commenting on his work as an agency contractor, has produced his own memoir of his participation in the CIA's post-9/11 interrogation

program.<sup>a</sup> The December 2016 publication of *Enhanced Interrogation* seemed timed to reach the potential jury pool for the then-pending lawsuit by three former CIA detainees against Mitchell and Jessen.<sup>b</sup> That lawsuit, to the surprise of some legal observers, remained alive until an out-of-court settlement was reached on 16 August 2017 despite expectations that the government, as it has with most previous detainee lawsuits, would

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a. Mitchell wrote this book with the assistance of former CIA spokesperson Bill Harlow, who has done similar service for a number of ex-CIA memoirists, including CIA Director George Tenet (*At the Center of the Storm*, HarperCollins, 2007); counterterrorism chief Jose Rodriguez (*Hard Measures*, Threshold Editions, 2012); and former Deputy Director of CIA Michael Morell (*The Great War of Our Time*, Twelve, 2015). Harlow also edited a volume of essays and government documents titled *Rebuttal: The CIA Responds to the Senate Intelligence Committee's Study of its Detention and Interrogation Program* (Naval Institute Press, 2015).

b. The case was Suleiman Abdullah Salim, Mohamad Ahmed Ben Soud, and Obaid Ullah (as personal representative of Gul Rahman) v. James Elmer Mitchell and John "Bruce" Jessen, filed 13 October 2015 in US District Court, for the Eastern District of Washington.

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invoke the state secrets privilege to quash the litigation.<sup>a</sup>

Mitchell relates the origins and progress of his and Jessen's involvement with CIA's nascent interrogation program by way of their experiences as psychologists supporting the Joint Forces Recovery Agency's (JPRA) SERE training program. He stoutly defends their work as CIA contractors supporting interrogation operations, casting his critics—especially Senator Dianne Feinstein, his fulminations against whom are a recurring theme throughout the book—as willfully, spitefully “cherry-picking” evidence to unfairly portray him and his partner as, in his words, “two greedy contractors who lacked the necessary skills and experience” to design or run the enhanced interrogation program. (277)<sup>b</sup>

Mitchell's book is notable in several respects. Some are positive: His account vividly depicts the interrogation program as he designed, experienced, and helped execute it, including extended interrogations of some of the most notorious al-Qaeda detainees ever captured. His account encompasses not only the legalistic and often highly politicized headquarters environment but the messy realities of field operations.

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a. Ellen Nakashima and Julie Tate, “Architects of CIA interrogation program settle lawsuit brought on behalf of brutalized detainees,” *Washington Post*, 18 August 2017.

b. Editor's note: Numbers in parentheses in this review are references to the page or pages in Mitchell's book on which cited quotes or assertions appear. All other cites will appear in footnotes.

This distinguishes his book from the many memoirs written either by field operators railing against allegedly unresponsive or clueless headquarters personnel and offices or by senior officials who might have visited field sites, if at all, as part of VIP delegations, announced in advance and thoroughly anticipated by their hosts.

But *Enhanced Interrogation*, while an informative and interesting read, suffers from Mitchell's tendency to whitewash his own involvement in designing and executing CIA's interrogation program. More problematic is his tendency to ascribe terrorist sympathies to those who question his ethics and practices as an architect of the program. It especially suffers from his occasional flatly wrong statements, which combine to undermine his generally valid argument. Many observers and reporters have indeed unfairly demonized Mitchell and Jessen for doing what their country had asked—in fact, formally contracted—them to accomplish during a difficult and dangerous time.

The full title of Mitchell's book certainly implies the need for extreme measures in response to the “Islamic terrorists trying to destroy America.” But this title looks more like a marketing tactic than an actual description of the content. Mitchell does devote two chapters to his personal interrogations of Khalid Sheikh Mohammed and his assessments of KSM's psyche, world view, and motivations. That KSM proves to be wily, vainglorious, fanatically religious, and by most Western standards thoroughly evil will come as no surprise to anyone with even

general familiarity with al-Qaeda and its leadership.

But the majority of *Enhanced Interrogation* focuses on just that: the CIA's use of SERE techniques to question high-value terrorist detainees, as first designed by Mitchell (and later by Jessen as well), based on their experience as psychologists with SERE programs. (Jessen, as detailed below, had separately pitched SERE approaches to Department of Defense elements prior to formally becoming a CIA contractor with Mitchell.) This book's real *raison d'être* is defense of the CIA enhanced interrogation program generally, and Mitchell's participation specifically.

Whether the enhanced interrogation techniques the two allegedly designed were critical in eliciting useful intelligence, or whether there were operational or ethical reasons to stick to less controversial, time-tested methods, is beyond the scope of this review. Smart, dedicated patriots continue to argue both sides of this issue, and Mitchell's defense of enhanced interrogation techniques is unlikely to convert anyone at this point.

Ultimately, Mitchell makes a strong case that he has been mistreated in the press and unfairly convicted in the court of public opinion. But his book's misleading descriptions of his participation in CIA interrogation operations, combined with selective use of facts and flat-out misstatements all call his overall account into question. Moreover, his repeated diatribes against Senator Feinstein, the Democrats, and a mendacious press are as dogmatic and ideological as anything in the Senate reports he castigates.

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### Events Covered

James Mitchell and Bruce Jessen first came to the attention of the CIA's Counterterrorism Center with their December 2001 analysis of the just-discovered "Manchester Manual," an al-Qaeda training document that included instructions on resisting common interrogation approaches. The main narrative of *Enhanced Interrogation* begins soon afterward, when Mitchell signed on with CIA as a contract psychologist assigned to apply his experience in SERE training to assess the resistance postures of detainees. Soon afterward, he and Jessen, would become instrumental in designing a set of coercive techniques to help extract intelligence from high-value al-Qaeda detainees.

Mitchell and Jessen would go on to help interrogate al-Qaeda leaders Abu Zubaydah, USS *Cole* bombing mastermind Abd al-Rahim al-Nashiri, and, most notably, Khalid Sheikh Mohammed. Initially they used a menu of coercive techniques of their own design based on their SERE background. Eventually, they functioned under the terms of CIA's formally approved program. Mitchell describes himself as tormented by the question of whether or not the application of his psychological and SERE training and experience to help design a coercive interrogation program was appropriate. In the end, he tells us, he overcame his misgivings on the grounds that a) CIA had "already decided to get rough" and Mitchell could at least mitigate and channel that rough treatment into a safe, defensible, and effective program, and b) the need to protect the United States trumped "the interests of a handful of Islamic terrorists." (47–49)

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The book goes on to detail Mitchell's experiences with a range of Langley and White House officials and with CIA officers at various "black sites." He includes vivid re-creations of his conversations—coercive and otherwise—with high-value detainees. Mitchell recounts his increasing frustration with what he sees as politicized, ill-informed decisions concerning the program made by high officials. He bitterly describes what he calls a straightforward persecution of the CIA and its unthanked intelligence operators around the globe in an extended "witch hunt" led by Senator Feinstein and her myrmidons, cheered on by the media industry.

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### ***Mitchell's Memoir Compared to Others Covering Similar Ground***

The point of assessing Mitchell's version of history is not to tarnish his and Jessen's reputations or those of the many CIA and other intelligence officials and national leaders who made hard decisions during a time of national crisis and in response to unfamiliar threats and adversaries. Mitchell has his version of how the enhanced interrogation program played out. Many other memoirists and countless intelligence officers involved in the program—almost all of whom have written no books—have their own. No one, or almost no one, appears to have deliberately lied in print. Even Mitchell's misstatements in *Enhanced Interrogation*—and there are some big ones, which will

be examined—are (mostly) defensible, albeit in the most narrowly technical sense (as when dubious assertions are cited merely to "a report").

While some journalists such as Jane Mayer have been heavily criticized within the Intelligence Community for alleged "liberal bias" in their reporting, at least Mayer, in her history of the CIA's interrogation program *The Dark Side*, cites all her sources in a detailed bibliography.<sup>a</sup> Mitchell's book—like many other memoirs of former interrogators and intelligence officials—would be far more credible had he likewise cited any sources beyond his vague allusions to "reports" or "sources."

Having added to the bookshelf of writings by former interrogators, Mitchell echoes the observations of a number who have pointed out how interrogation work can, over time, degauss the moral compasses of those who do it. For example, Chris Mackey's *The Interrogators: Inside the Secret War Against Al Qaeda* (Little, Brown, 2004) and Tony Lagouranis's *Fear Up Harsh: An Army Interrogator's Dark Journey Through Iraq* (Caliber, 2007) both detail the tendency of even trained and dedicated military interrogators, in the absence of strong leadership, to go beyond approved questioning methods until brutality becomes the rule rather than the exception.

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a. Jane Mayer, *The Dark Side: The Inside Story of How the War on Terror Turned Into a War on American Ideals* (Doubleday, 2008).

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A former CIA interrogator, Glenn Carle, in *The Interrogator: An Education* (Nation, 2004), does not allege the kinds of brutal or illegal behavior witnessed by the Army memoirists above, but his book does discuss the disconnect between CIA Headquarters and the field regarding interrogation operations. All of these accounts “from the field” illustrate the principle—familiar to anyone with military or bureaucratic experience—that rules promulgated from headquarters may, in the absence of strong oversight and complicated by the secrecy inherent in most interrogation operations, be honored more in the breach than in the observance. Occasional interpersonal drama aside, then, Mitchell’s depiction of his time working with CIA interrogation teams generally matches previous accounts by his colleagues and other CIA officials.

In fairness, Mitchell has written a memoir of his own experiences and perceptions, not an academic paper or a *New York Times* exposé. A comparison of his account with that of ex-FBI agent and interrogator Ali Soufan regarding their experiences in interrogating Abu Zubaydah in 2002 illustrates the highly subjective nature of personal memoirs. Here are two well-educated, dedicated interrogators, each wanting to do only the right thing and each apparently convinced of the nobility of his cause. In his own interrogation memoir *The Black Banners: The Inside Story of 9/11 and the War Against al Qaeda* (W.W. Norton, 2011), Soufan describes Mitchell (using the pseud-

onym “Boris”) as utterly, arrogantly convinced of the rightness of his plan to force Abu Zubaydah to see his interrogator (i.e., Mitchell) as a “god” who would exercise absolute control through forced nudity, constant loud noise in his cell, and, especially, sleep deprivation. Soufan depicts Mitchell as unused to having his expertise questioned, ignorant of the cultural backgrounds of detainees, and enjoying the chance to “experiment” on the detainees in ultimately counterproductive and damaging ways.<sup>a</sup>

For his part, Mitchell paints Soufan as marginally competent, self-righteous about his virtuous FBI versus the sadistic CIA, and short-tempered (including an episode in which Soufan allegedly physically threatened Mitchell and later apologized). (37) While the weight of anecdote favors Soufan’s version of events, whose account is more objectively “accurate” cannot be determined at this point. Certainly both men seem sincere in their mutual professional disdain.

The use of temperature manipulation (exposing detainees to extreme cold in their cells) is recounted differently by these two as well. Mitchell says the cells were chilly only because the guards were heavily dressed in black uniforms and masks and would otherwise overheat. There was no intent to make detainees uncomfortable, he claims. (286) Soufan, on the other hand, describes cell tem-

peratures clearly intended to keep the detainees freezing and miserable. He recounts his resulting confrontations with Mitchell, who he was convinced was experimenting with temperature manipulation in defiance of local policy.<sup>b</sup>

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**“Learned Helplessness”**

Media accounts of Mitchell’s work with the CIA often highlight his alleged single-minded pursuit of inducing “learned helplessness” as a necessary precondition for effective interrogation. Indeed, this phrase has become a sort of shorthand for Mitchell and Jessen’s mission statement as CIA contractors. It appears in almost every account of their work as something they—especially Mitchell—constantly, even aggressively, emphasized as a critical element of breaking the will of detainees to resist questioning.<sup>c</sup>

Yet *Enhanced Interrogation* contains not a single mention of learned helplessness (although Mitchell does cite, in passing, a fellow psychologist as an expert on “learned optimism.”) One might infer from this omission Mitchell’s acute awareness of the negative publicity associated with the term “learned helplessness” and his determination to erase from popular

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b. *Ibid.*, 409.

c. For discussion of Mitchell as an aggressive booster of “learned helplessness,” see Jane Mayer, *The Dark Side*, 164; Soufan, chapter 21; John Rizzo, *Company Man* (Scribner, 2014), 269; and *Senate Intelligence Committee Report on Torture* (Melville House, 2014) (hereafter, *SSCI Report*), 30.

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a. Soufan, *Black Banners*, chapters 21–22.

memory his promotion of the theory as applied to interrogation.

A related point is that in his May 2017 deposition for the pending lawsuit by former CIA detainees against himself and Jessen, Mitchell flatly denied having ever used the term in connection with interrogation. He stated, rather, that CIA officers often misused the term “learned helplessness” in documents because they did not understand the distinction between helplessness to induce cooperation—as is utilized in SERE—and “learned helplessness,” which would inhibit cooperation.<sup>a</sup> Yet Mitchell himself had included “learned helplessness” in his list of techniques in his “pitch memo” to CIA in early 2003 and cited it elsewhere as well as a tool in his toolkit.<sup>b</sup>

This is an early clue that Mitchell may have written *Enhanced Interrogation*, as the saying goes in intelligence reporting, “to influence as well as inform.” From the first chapter, Mitchell seems to downplay his own hands-on role within the various interrogation teams he worked with. For example, where multiple other memoirs depict Mitchell as aggressive and overbearing in his insistence on applying his own theories to break detainees’ resistance, he tells us that he merely provided his

a. Salim v. Mitchell, “Defendants’ Statement of Undisputed Facts,” quoting Mitchell’s statement, paragraph 57 (deposition taken May 22, 2017). <https://www.aclu.org/legal-document/salim-v-mitchell-defendants-statement-undisputed-facts> (accessed 23 May 2017).

b. James Mitchell, “Qualifications to Provide Special Mission Interrogation Consultation,” memorandum to CIA dated 1 February 2003, 3. Available in case materials for Salim v. Mitchell.

“observations” in post-interrogation “hot washes,” the better to prepare the team for the next day’s session. (23) In fairness, however, one of Mitchell’s most vocal critics in this respect is the aforementioned critic of Mitchell’s techniques, Ali Soufan.

### *Rewriting History: Omissions, Evasions, and Whoppers*

Mitchell sometimes glosses over his specific actions as part of agency interrogation teams. For example, he states that “after transfer to the black site Abu Zubaydah *was subjected* to sleep deprivation, nudity, loud noise, and dietary manipulation, which produced intelligence of threats against the United States [italics added].” (28) Mitchell thus completely erases himself from active design and execution of these techniques, whereas multiple other accounts show him as an insistent, driving force for the entire concept of coercively questioning Zubaydah. Such blurring of his actual role in interrogation operations casts an early shadow over his book’s reliability.<sup>c</sup> Mitchell, here and elsewhere, goes well beyond mere papering over his active design of, and participation in, operations he would have the reader believe he merely witnessed.

Nothing is more damaging to the overall credibility of *Enhanced Interrogation* than the pair of “whoppers”—hardly too strong a word in this case—that Mitchell, and his co-author have seen fit to insert into their book.

c. See footnote c on preceding page for a list of accounts of Mitchell’s proactive role in the interrogation program.

The first misstatement relates to the 2002 death in CIA custody of Gul Rahman.<sup>d</sup> In late 2002, Mitchell and Jessen were interrogating USS *Cole* bombing mastermind Abd al-Rahim al-Nashiri at an undisclosed facility where terror suspect Gul Rahman was also being held. During a break from questioning al-Nashiri and briefly talking with Gul Rahman, Mitchell recalls noticing that he looked “just not right” and asking a medic to see to Rahman’s abraded wrists and ankles (the medic refused). A few days later, Gul Rahman was found dead.

Mitchell’s explanation for Rahman’s death, in full: “Reports say he died of exposure after he had been mistreated by the indigenous guards.” (90) This is an absurd, provably false statement, contradicting—among many other sources—CIA’s own, exhaustive investigation of Rahman’s death, which highlights the local guard force’s professionalism and specifies that they never physically mistreated detainees at the site where Rahman was held. The same CIA report quotes an extended description by Jessen of a CIA team executing a “rough takedown,” which involved running a hooded Rahman up and down a corridor while slapping and “forcefully” punching him—in order to, in Jessen’s words, “give them [sic] something to think about.”<sup>e</sup> The

d. Rahman’s family joined in the ACLU suit against Mitchell and Jessen.

e. Memorandum, “Death Investigation – Gul Rahman,” CIA investigative report, issued 28 January 2003, approved for release 30 September 2016, #c06555318), A24-23, [https://www.thetorturedatabase.org/files/foia\\_subsite/pdfs/cia\\_production\\_c06555318\\_death\\_investigation\\_gul\\_rahman.pdf](https://www.thetorturedatabase.org/files/foia_subsite/pdfs/cia_production_c06555318_death_investigation_gul_rahman.pdf) (accessed May 12, 2017).

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report goes on to state that a junior, newly deployed CIA officer ordered Rahman chained, naked from the waist down, to the floor of his cell, where he was found frozen to death the next day.<sup>a</sup> One wonders how Mitchell, or his co-writer Bill Harlow, could claim with a straight face that Rahman just happened to die of “exposure,” somehow, and pin it all on “the locals.”

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**Mitchell's Self-absolution of the Events at Abu Ghraib**

An even more egregiously false claim—one difficult to chalk up to honest error—is Mitchell's assertion—in a passage apparently intended to absolve CIA generally and himself personally from any moral responsibility for the Abu Ghraib scandal—that “DoD investigations proved that the CIA was not involved in Abu Ghraib.”(233) This claim is simply false, and one wonders that Mitchell would make such an easily disproved claim—and that his co-author, who ought to be an expert on this issue, having previously co-authored four books addressing the

CIA's operations around the globe, let it survive.

In fact, multiple DoD investigations have laid out in detail CIA's extensive interrogation operation at Abu Ghraib, which led to “a loss of accountability, abuse, reduced inter-agency cooperation, and an unhealthy mystique that further poisoned the atmosphere at Abu Ghraib.”<sup>b</sup> Of special note were CIA interrogators, described in these reports as “set[ting] physical and mental conditions for favorable interrogations” of detainees, echoing—by chance or otherwise—the approach advocated by Mitchell and Jessen starting a year or so earlier.<sup>c</sup>

Not only multiple civilian reporters such as Jane Mayer (*The Dark Side*) and Tara McKelvey (*Monster-ing: Inside America's Policy of Secret Interrogations and Torture in the Terror War*), but several DoD investigations have stated clearly that CIA was a major player in interrogations, detentions, and related mistreatment at Abu Ghraib. To quote only one such source, Maj. Gen. George Fay's report:

*The CIA conducted unilateral and joint interrogation operations at Abu Ghraib [which]*

*contributed to a loss of accountability and abuse. . . . Local CIA officers convinced military leaders that they should be allowed to operate outside the established local rules and procedures. CIA detainees in Abu Ghraib, known locally as “Ghost Detainees,” were not accounted for in the detention system. [Following this statement in the Fay report's executive summary, the report goes on to detail, at length, CIA activities at Abu Ghraib in 2003–2004.]<sup>d</sup>*

The point here is not to impugn the professional competence and regard for law of CIA or its deployed officers working in difficult conditions, facing dangerous adversaries with often ambiguous or nonexistent legal guidance or support. But the admirable work of the many should not, in a democracy enshrining the rule of law, excuse the misdeeds of the few. One of these misdeeds, and perhaps the most notorious low point of the Abu Ghraib scandal, was the accidental death by asphyxiation of Manadel al-Jamadi at the hands of CIA personnel, widely reported in media accounts as well as several government reports.<sup>e</sup> For James

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a. Death investigation—Rahman, A24-4; “CIA Comments on the Senate Select Committee on Intelligence Report on the Rendition, Detention, and Interrogation Program,” issued 27 June 2013, approved for release 8 December 2014, 42, [https://www.cia.gov/library/reports/CIA June2013\\_Response\\_to\\_the\\_SSCI\\_Study\\_on\\_the\\_Former\\_Detention\\_and\\_Interrogation\\_Program.pdf](https://www.cia.gov/library/reports/CIA%20June2013_Response_to_the_SSCI_Study_on_the_Former_Detention_and_Interrogation_Program.pdf) (accessed 12 May 2017).

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b. Article 15-6 Investigation of the 800<sup>th</sup> Military Police Brigade, report issued 23 August 2004, 53, [http://www.washingtonpost.com/wp-srv/nationi/documents/fay\\_report\\_8-25-04.pdf](http://www.washingtonpost.com/wp-srv/nationi/documents/fay_report_8-25-04.pdf) (accessed 19 May 2017).

c. *Ibid.*, 18.

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d. AR 15-6 Investigation of the Abu Ghraib Detention Facility and 205th Military Intelligence Brigade, MG George R. Fay, Investigating Officer, declassified Department of the Army report, published 23 August 2004, <http://news.findlaw.com/hdocs/docs/dod/fay82504rpt.pdf> (accessed 12 May 2017), 9. The report contains multiple detailed descriptions of CIA personnel and activities conducting interrogation and related activities at Abu Ghraib in 2003–2004.

e. “Final Autopsy Report No. ME 03-504,” Armed Forces Institute of Pathology report dated 9 January 2004, <https://thetor->

Mitchell to simply state that none of this ever happened, defies belief and raises serious questions about his book's overall credibility.

Mitchell cites media reports “suggesting erroneously that we bore some responsibility for Abu Ghraib. We didn't. I had never been to Iraq, and neither had Bruce.” (234)<sup>a</sup> Mitchell may well be blameless for anything that happened at Abu Ghraib, but his presentation of the facts, too artful by half, disguises a fairly strong counterargument.

Mitchell cites the Senate Armed Services Committee's November 2008 report as evidence that “the military” had contacted the Joint Personnel Recovery Agency—which runs all DoD SERE training—for advice on using SERE methods in interrogation, back in December 2001—months before Mitchell was summoned to Langley in April 2002 to begin applying SERE techniques in Abu Zubaydah's interrogation. This, argues Mitchell, proves that he and Jessen could not have influenced the military's use of enhanced interrogation techniques. (258)

But that same SASC report also details how, in December 2001, Jessen co-authored with Mitchell their paper on al-Qaeda's “Manchester Manual.”<sup>b</sup> Jessen then sent that paper

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in February 2002 to JPRA leadership.<sup>c</sup> The JPRA commander, in turn, sent Jessen's paper to Joint Forces Command, along with his suggestion that JPRA send a team to Guantanamo Bay to “provide instruction on basic and advanced techniques and methods” related to countering resistance. From there, as the SASC report details, word quickly got around various combatant commands that JPRA was available to “assist” interrogation efforts. Meanwhile, Jessen, as early as February 2002, helped the Defense Intelligence Agency (DIA) create a two-week, “ad hoc ‘crash’ course on interrogation.”<sup>d</sup> By August 2002, Secretary of Defense Rumsfeld had authorized a set of enhanced questioning techniques largely mirroring those developed by Mitchell and Jessen for the CIA. The Abu Ghraib scandal broke roughly a year later, in summer 2003.

Perhaps the content of Jessen's February 2002, SERE-derived interrogation course for the DIA, and his offers of interrogation advice and assistance to other DoD elements, played no part in the emergence of SERE questioning methods at Abu

Ghraib a year later.<sup>e</sup> And maybe Mitchell and Jessen's work, in the spring of 2002, designing a CIA interrogation program based on the same ideas Jessen had endorsed in his memo to a DoD element a few months earlier was indeed totally unrelated to the emergence at Abu Ghraib of those same methods a year later, reportedly at the direction of CIA personnel.

True, Mitchell and Jessen never set foot in Abu Ghraib. But their specific approach toward “setting the conditions for interrogation” through forced nudity and other humiliations was clearly in evidence among those unnamed CIA and military intelligence officers whose instructions to the enlisted military reservists at Abu Ghraib helped create the whole sorry episode.

A reasonable argument could be made (though this is not the place to make it) that the propagation throughout CIA's interrogation “community” of coercive techniques (nudity, sleep deprivation, loud music and other noise) intended to induce “learned helplessness” as a prelude to questioning and the use of all those same techniques by both DoD and CIA personnel a year later at Abu Ghraib share a causal link. Given the above timelines, and given also the fact that physical absence is not necessarily a defense to accountability

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turedatabase.org/files/foia\_subsite/pdfs/dod003212\_0.pdf (accessed 12 June 2017).

a. Here, as elsewhere, Mitchell's vague allusion to “reports” make it impossible to assess the reliability of his claim.

b. A partial translation of the manual is available on the Justice Department web site. See [https://www.justice.gov/sites/default/files/ag/legacy/2002/10/08/manual-part1\\_1.pdf](https://www.justice.gov/sites/default/files/ag/legacy/2002/10/08/manual-part1_1.pdf).

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c. “Inquiry Into the Treatment of Detainees in U.S. Custody,” Report of the Committee on Armed Services, United States Senate, issued 20 November 2008, [https://www.armed-services.senate.gov/imo/media/doc/Detainee-Report-Final\\_April-22-2009.pdf](https://www.armed-services.senate.gov/imo/media/doc/Detainee-Report-Final_April-22-2009.pdf) (accessed 13 June 2017), 6.

d. SASC report, 20 November 2008, 8.

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e. “Inquiry Into the Treatment of Detainees in U.S. Custody,” (accessed 13 June 2017), 6.

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***The value of Mitchell's account of the CIA's program lies in its insights into the perennial tensions between Headquarters policies and doctrines and the realities of field operations.***

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(former Brigadier General Karpinski's demotion to colonel in the wake of Abu Ghraib being a prominent example), Mitchell is far too glib in excusing himself from any role in setting the conditions that led to Abu Ghraib.

Like the debate about whether torture "works" in interrogation, the question of Mitchell and Jensen's moral responsibility for the use of SERE questioning methods in terrorist (suspected and actual) interrogations may be ultimately unanswerable. In the national security environment of 2002–2003, it could just as likely have been a case of "cometh the hour, cometh the man." Had Mitchell not gotten that call from CIA in April 2002, some other reputed "interrogation expert" willing to advise on "what really works" in questioning America's enemies, might well have been contacted instead. Would the interrogation program really have proceeded so differently?

Mitchell often comes across as a genuinely sympathetic figure in his own book, willing to engage with the ethical as well as practical issues inherent in counterterrorism interrogations. But his book too often tests the reader's sympathy in careless, often slanted, and occasionally simply false history of the agency's interrogation program.

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***Mitchell's Memoir as Contribution to the Interrogation Debate***

Much of Mitchell's history of these interrogations is aimed at proving his point that rough questioning was critical in producing intelligence that stopped future attacks, and ultimately in locating Osama bin Laden. He also describes his experiences at a number of secret detention facilities, at least one of which he vividly paints as run by CIA officers with little regard for training or discipline and with no use at all for "fucking lawyers." (115)

Mitchell's perspective here is valuable, in that too many otherwise excellent and informative memoirs by senior CIA officials lay out the legal and operational rules at Headquarters, hammered out between CIA, other IC agencies, and the White House—but have little to say about real-life compliance with those rules at remote, often secret locations. For example, Mitchell quotes a deployed CIA officer (he is, perhaps deliberately, unclear whether it was the chief interrogator or the local chief of station) as willing to lie to Langley about "communications" being down, in order to prevent Mitchell from reporting illegal treatment of detainees on the scene. (118)

Furthermore, Mitchell describes the "flagrant disregard of both Justice Department approvals and headquarters guidance" displayed by both the chief of station and the chief interrogator at one of the secret detention sites. (116) He recounts the latter officer's attempt to frame him for

mishandling information, based on Mitchell having couriered an agency-owned laptop between locations at the request of a CIA chief of base. (108)

Mitchell's account of over-the-top, sadistic, and incompetent interrogations conducted by field officers seems calculated to help take the onus off himself, who presents himself as the sole reasonable man at a secret detention site run by vengeful, undisciplined cowboys. Yet Mitchell is careful to avoid sweeping accusations, emphasizing that the misbehavior he observed was limited to his secret location "down the rabbit hole . . . [and] out of character for the carefully controlled program I knew [CIA counterterrorism chief] Jose Rodriguez and the leadership at CIA had in place." (116)

The value of Mitchell's account of the CIA's program lies in its insights—intended or not—into the perennial tensions between Headquarters policies and doctrines and the realities of field operations. Senior CIA officials have written memoirs of their time at Headquarters, punctuated by occasional visits to the field, but they rarely address whether a pre-announced VIP delegation is likely to witness or hear about the poor, if not illegal, behavior Mitchell ascribes to certain CIA officers. Conversely, many field-interrogators-turned-memoirists, mostly military but including the occasional CIA veteran, have retailed their war stories into often compelling and well-written chronicles in which "headquarters" stands for a range of vices—bureaucratic cowardice or cluelessness, or legal opinions that are seen as impeding or precluding effective action in the field.

### *Why Didn't the SSCI Talk to Mitchell?*

Mitchell repeatedly dwells on the SSCI's allegedly arbitrary "refusal" in its 2014 investigation of the CIA interrogation program to interview him or any of the other CIA officers and contractors involved in the program. (308) He appears to attribute this almost solely to Senator Feinstein's personal malevolence, disregard for the truth, and determination to slander the CIA, and he blames her directly for the eventual leaking, by unnamed Senate staffers, of his and Bruce Jessen's names to the media.

The intelligence committee's failure to interview CIA officials has indeed come in for heavy criticism. But Mitchell elides the critical fact that he, like many participants in the enhanced interrogation program, was the subject of a Department of Justice investigation even while the Senate was preparing its report.<sup>a</sup> That fact complicated the issue of testifying to Congress and suggests a reason for Mitchell's not being invited to testify that is far more plausible than claims of personal spite on Senator Feinstein's part.

No CIA officer or contractor with any sense of self-preservation—or a competent lawyer—would discuss with Senate investigators his or her role in the enhanced interrogation program while they were being investigated by the Department of Justice and while any statements to Congress could be used against them in the event of criminal prosecution. Mitchell acknowledges the existence of the Justice investigation, but never in connection with his several dia-

a. *SSCI Report*, xii.

tribes against Feinstein and the SSCI process. In keeping several chapters between his complaint about not being allowed to testify and the fact of the contemporaneous Justice investigation, he leaves the impression that only political malice or incompetence could explain the lack of invitations to testify.

Many other CIA veterans share this complaint. For example, Jose Rodriguez, in his May 2017 deposition for the pending detainees' lawsuit against Mitchell, called the Senate report "an errant, one-sided assault on the CIA's EIT program that reaches numerous unsupportable and baffling conclusions."<sup>b</sup> While James Mitchell and others involved with the program may now angrily claim that they ought to have been interviewed, it seems disingenuous to pretend they would have freely provided their version of events to the SSCI without regard to their own legal exposure in an ongoing criminal investigation.

In fairness, as former acting director of CIA John McLaughlin has noted, the Senate committee declined to interview anyone at all, including a number of CIA high officials and field officers, who had been involved in the program but were *not* the subjects of any Justice investigations.<sup>c</sup> But McLaughlin's fair criticism of the Senate committee's stated reason for not conducting interviews is not relevant to Mitchell—who *was*, in fact, under Justice scrutiny and there-

b. Deposition of Jose Rodriguez, 22 May 2017, <https://www.aclu.org/legal-document/salim-v-mitchell-declaration-jose-rodriguez> (accessed 23 May 2017).

c. John McLaughlin, "The Senate Majority Report on Interrogation: An Opportunity Lost," in Harlow, *Rebuttal*, 19.

fore was not, on reasonable legal grounds, a candidate for interviews.

### *Mitchell's "Enemies List"*

In another example of Mitchell's personal animus swamping his objectivity, he accuses former Attorney General Eric Holder of "stacking the Justice Department with al-Qaeda's lawyers and looking for any excuse to file criminal charges against the men and women of CIA who had been keeping Americans safe, including me." (270) His sole evidence, apparently, is that nine (out of well over a hundred) Justice lawyers had done legal work defending terror suspects and that they therefore must love terrorists and so must their boss.

Even apart from the fact that a number of those nine lawyers had worked on habeas corpus and other basic rights issues related to detainees—as opposed to actually trying to gain their release—Mitchell's argument here is simply silly. His claim resurrects 2010's "shoddy and dangerous" accusations by fringe conservatives that Guantanamo defense lawyers were *per se* bad Americans, who ought to be professionally ostracized—accusations strongly refuted by both Obama and Bush officials as a "shameful . . . undermin[ing of] the justice system."<sup>d</sup>

As for Mitchell's general characterization of Holder as "out to get" the CIA workforce, Holder made it clear in mid-2009 that Justice

d. Ari Shapiro, "'Al-Qaeda 7' Controversy: Detainees and Politics," *National Public Radio* website, published 11 March 2010, accessed 12 June 2017.

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would not prosecute any CIA officers who had acted in good faith under then-approved interrogation guidelines.<sup>a</sup> Those who had accidentally killed detainees and others who had acted outside the approved limits on coercive interrogation were put on notice that they might be held to account. In the end, no one was. Holder dropped all detainee investigations in 2012.<sup>b</sup>

Mitchell is harshly critical of the media, which he accuses of gleefully trampling the truth in its quest for profits, and especially of “los[ing] all reason when they get the torture bug.” Some of his examples seem valid—for instance, the tendency of any allegation or appearance of sexual abuse to get disproportionate media attention. Others are less defensible. For example, Mitchell cites widespread press skepticism about

the officially reported mass suicides at Guantanamo Bay in 2006 as proof of a “lurid” press obsession with assuming the very worst of the US government. But skepticism about the official account of the reported 2006 suicides at Guantanamo was widespread across a range of major media outlets, a result largely of the government’s ambiguous or arguably implausible explanations for the deaths.

In support of his thesis that the media routinely lies about him, Mitchell quotes a “press account” that on the night of the suicides, “shrieks and wailings were heard coming out of [a Guantanamo facility] and one *James Elmer Mitchell* was seen entering it [italics in original].” (289) But this quote, for which Mitchell provides no source, appears to exist nowhere on the Internet—except in the online version of Mitchell’s own book. This “press account” thus appears to be either fabricated or appeared only in some media outlet so desperately obscure as to not even have a Web presence. Either way, it does not help support Mitchell’s claim that the press is out to get him.

Another dubious claim is Mitchell’s account of a “female journalist” telling him outright that she intended

to lie about him in print in order to get at “a larger truth.” As a previous reviewer of *Enhanced Interrogation* has pointed out, this anecdote does not ring true: why would any reputable reporter tell an interview subject she intended to lie about him, a firing offense in most news organizations?<sup>c</sup> Wouldn’t his next phone call be to her editor, and wouldn’t she know that?

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**Conclusion**

For all its problematic aspects, *Enhanced Interrogation* is well worth reading for the CIA interrogation history “completist.” While self-serving in many respects, it constitutes useful testimony from one of the last major players in CIA’s post-9/11 enhanced interrogation experiment who had not yet penned their own account of the program. And Mitchell’s account, intentionally or not, serves as a dramatic reminder of how ethically problematic measures, undertaken in extremis in the wake of 9/11 and subsequent attacks, can take on lives of their own, making life difficult not only for those (of course) subjected to those measures, but to those who must defend their use long after the sense of crisis has passed.

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c. Steve Hirsch, “Review of *Enhanced Interrogation* by James Mitchell,” published 17 March 2017, <https://www.thecipherbrief.com> (accessed 12 June 2017).



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**Annotated Bibliography of Previous Interrogation-related Memoirs**

The following are some of the more illuminating and/or influential books about the CIA interrogation program.

Glenn L. Carle, *The Interrogator: An Education* (Nation, 2004). A former CIA clandestine officer and interrogator's account of his personal experiences in CIA, focusing on his extended interrogation of a single detainee and his gradual loss of faith in his superiors' willingness and ability to reliably assess detainees and related conditions in the field.

Bill Harlow, ed., *Rebuttal: The CIA Responds to the Senate Intelligence Committee's Study of Its Detention and Interrogation Program* (Naval Institute Press, 2015). Mr. Harlow, a former CIA spokesman and a frequent co-author of CIA memoirs, has gathered a number of short essays (about 40 pages' worth) by former CIA officials criticizing the Senate report and filled out the book with about 300 pages of government documents: the CIA's formal response to the Senate report, and the Senate Intelligence Committee's minority report.

Tony Lagouranis and Allen Mikaelian, *Fear Up Harsh: An Army Interrogator's Dark Journey Through Iraq* (Caliber, 2007). Lagouranis, a former Army interrogator, details his interrogation training followed by deployment to Iraq, where he unsparingly depicts his and his colleagues' gradual departure from adherence to approved interrogation methods. His detailed accounts of how he deployed a range of psychological methods

per his training, the pitfalls associated with various approaches, and the frustrations of trying to "break" detainees to elicit usable intelligence make his account one of the best overall depictions of day-to-day interrogation in a military deployed environment.

Chris Mackey and Greg Miller, *The Interrogators: Inside the Secret War Against Al Qaeda* (Little, Brown, 2004). Mackey, a former senior enlisted Army interrogator, covers much of the same ground as Lagouranis, albeit his account focuses less on bad behavior and more on deployed military culture, as well as individual interrogators and their interrelationships. Less sensational than *Fear Up Harsh*, *The Interrogators* may be more useful for the reader interested in the intersection of interrogation work and enlisted military culture.

Jane Mayer, *The Dark Side: The Inside Story of How the War on Terror Turned Into a War on American Ideals* (Doubleday, 2008). Mayer's book, while widely praised as an authoritative chronicle of the interrogation program, has also come under fire for its alleged "liberal bias." Without rendering a verdict on that issue, it is worth noting that her book—unlike any of the many "I was there" memoirs of the CIA interrogation program—is impeccably cited, with detailed endnotes, bibliography, and an afterword detailing Mayer's research methods.

Tara McKelvey, *Monsterring: Inside America's Policy of Secret Interrogations and Torture in the Terror*

*War* (Avalon, 2007). McKelvey's book focuses on the Abu Ghraib scandal, treating it as a microcosm of the United States' flawed approach to the war on terror. Her clear (and understandable) outrage over the episode is tempered in her account by meticulous citations for her facts and allegations. It would be hard to find a more thorough account of the origins, execution, and aftermath of what passed for interrogation policy (or even basic leadership) at Abu Ghraib.

Jose A. Rodriguez, Jr., with Bill Harlow, *Hard Measures: How Aggressive CIA Actions After 9/11 Saved American Lives* (Threshold Editions, 2012). Former CIA counterterrorism chief Rodriguez, in this tough-minded account of his experience with the interrogation program, does not conceal his support for enhanced methods as an ugly but indispensable component of the program. He recalls the CIA's pre-9/11 "Deutch rules," perceived by the workforce as limiting HUMINT recruitments to politically palatable candidates, as a typical symptom—repeated after 9/11 in the aftermath of the interrogation program—of clueless leaders undercutting good intelligence practice in a misguided quest for political approval. He shares with James Mitchell a withering contempt for the Senate intelligence committee's 2014 report on the program. While the Rodriguez and Mitchell accounts are often redundant (a result of covering much of the same ground and possibly of Harlow's co-authorship of both memoirs), Rodriguez's no-nonsense, unapologetic defense of the CIA program will appeal to many.



