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Daily Update > Terrorism & Security
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White House nears completion of new torture guidelines

Critics say administration's endorsement of 'enhanced interrogation' is 'immoral,' draw comparisons to Nazi war crimes.

By [Arthur Bright](#) | csmonitor.com

The White House is close to completing a new set of guidelines on the use of "enhanced interrogative techniques" by US agents, even as critics say such techniques are "immoral," "amateurish," and "indistinguishable" from Nazi war crimes.

The New York Times reports that the administration is preparing "[secret new rules](#) governing interrogations."

The Bush administration is nearing completion of a long-delayed executive order that will set new rules for interrogations by the Central Intelligence Agency. The order is expected to ban the harshest techniques used in the past, including the simulated drowning tactic known as waterboarding, but to authorize some methods that go beyond those allowed in the military by the Army Field Manual.

The Times writes that President Bush has claimed the broader techniques are needed to fight terrorism, and in the recent Republican presidential debate, candidates made similar suggestions about the necessity of harsh interrogation.

Critics, however, say that the Bush administration's policy regarding torture is "immoral." Philip Zelikow, a former advisor to Condoleezza Rice and the executive director of the 9/11 Commission, said in [a lecture last month](#) (PDF) at the **Houston Journal of International Law** that in 2002, the United States made "careful, deliberate choices to place extreme physical pressure on captives, with accompanying psychological effects," and that the administration's "policy guidelines devolved into legal guidelines, which were to do everything you can, so long as it is not punishable as a crime under American law."

Brilliant lawyers worked hard on how they could then construe the limits of vague, untested laws. They were operating so close to the frontiers of our law that, within only a couple of years, the Department of Justice eventually felt obliged to offer a second legal opinion, rewriting their original views of the subject. The policy results are imaginable and will someday become more fully known.

My point, though, is not to debate the delineation of the legal frontier. That focus obscures the core of the issue. The core of the issue, for legal policy, is this: What is moral – not, what is legal? What is cost-beneficial? ...

My own view is that the cool, carefully considered, methodical, prolonged, and repeated subjection of captives to physical torment, and the accompanying psychological terror, is immoral. I offer no opinion as to whether such conduct is a federal crime; merely that it is immoral.

Andrew Sullivan, a conservative blogger for **The Atlantic**, writes that many of the interrogative techniques being condoned by the Bush administration [were used by the Nazis in the 1930s and 40s](#) [**Editor's note:** *The article contains a graphic photo.*], and resulted in the convictions of the interrogators for war crimes. Mr. Sullivan notes the similarities between the "enhanced interrogation" employed by the Nazis and techniques condoned by the Bush administration, as well as parallels between the defenses presented at trial by the Nazis and the justifications offered by the White House.

The victims, by the way, were *not in uniform*. And the Nazis tried to argue, just as [former Department of Justice official] John Yoo did, that this made torturing them legit. The victims were paramilitary Norwegians, operating as an insurgency, against an occupying force. And the torturers had also interrogated some prisoners humanely. But the argument, deployed by Dick Cheney, Donald Rumsfeld, and the Nazis before them, didn't wash with the court [which found them guilty]. ...

Critics will no doubt say I am accusing the Bush administration of being Hitler. I'm not. There is no comparison between the political system in Germany in 1937 and the U.S. in 2007. What I am reporting is a simple empirical fact: the interrogation methods approved and defended by this president are not new. Many have been used in the past. The very phrase used by the president to describe torture-that-isn't-somehow-torture - "enhanced

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interrogation techniques" - is a term originally coined by the Nazis. The techniques are indistinguishable. The methods were clearly understood in 1948 as war-crimes. The punishment for them was death.

But while the Nazis' interrogative methods were found to be torture, **The New York Times** writes that the Allies' methods at the time were far more effective and far less abusive than those the United States uses now, according to [a December 2006 report](#) (PDF) by the Intelligence Science Board.

"It far outclassed what we've done," said Steven M. Kleinman, a former Air Force interrogator and trainer, who has studied the World War II program of interrogating Germans. The questioners at Fort Hunt, Va., "had graduate degrees in law and philosophy, spoke the language flawlessly," and prepared for four to six hours for each hour of questioning, said Mr. Kleinman, who wrote two chapters for the December report.

Mr. Kleinman, who worked as an interrogator in Iraq in 2003, called the post-Sept. 11 efforts "amateurish" by comparison to the World War II program, with inexperienced interrogators who worked through interpreters and had little familiarity with the prisoners' culture.

The Washington Post wrote in January - [when the report was publicly released](#) - that the researchers found "little or no development of sustained capacity for interrogation practice, training, or research within intelligence or military communities in the post-Soviet period," which led to interrogators making up techniques "on the fly."

In [the report], experts find that popular culture and ad hoc experimentation have fueled the use of aggressive and sometimes physical interrogation techniques to get those captured on the battlefields to talk, even if there is no evidence to support the tactics' effectiveness. The board, which advises the director of national intelligence, recommends studying the matter.

"There is little systematic knowledge available to tell us 'what works' in interrogation," wrote Robert Coulam, a research professor at the Simmons School for Health Studies in Boston. Coulam also wrote that interrogation practices that offend ethical concerns and "skirt the rule of law" may be narrowly useful, if at all, because such practices could undermine the legitimacy of government action and support for the fight against terrorism.

The effect of popular culture, particularly of the FOX television show "24," on Americans' perception of torture, remains hotly debated. In a commentary for the **Los Angeles Times**, Wesleyan University professor Kelly M. Greenhill writes that there is a long history of works of fiction affecting politics, and that "24" may be fostering [an increased acceptance of torture](#) in the United States. The US military has shown similar concerns - members of the US military [met with the "24" creative team](#) last November to voice worries that the show was promoting "unethical and illegal behavior and had adversely affected the training and performance of real American soldiers," according to a February article in **The New Yorker**.

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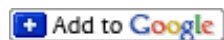
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