

# Missed Operational Opportunities in The Global War on Terror's Prisons and Camps

*by Hoang Truong*

After 9/11 and during the War on Terror, the U.S. military, coalition forces, and associated paramilitary (contractor) elements had to deal with various prisons (convicted criminals) and camps (all other categories of non-convicts, to include criminal suspects—hereinafter, “facilities”) under its control or influence, in order to obtain intelligence and other information it deemed useful from high-value detainees.<sup>1,2</sup> The “War on Terror,” which encompassed the Afghanistan and Iraq Wars, was a George W. Bush Administration initiated military campaign in response to the 9/11 Al Qaeda attacks. President Bush announced the War on Terror on September 20, 2001, in a speech to Congress: “Our war on terror begins with al-Qaida,” he said, “but it does not end there. It will not end until every terrorist group of global reach has been found, stopped, and defeated.”<sup>3</sup> The Bush Administration’s War on Terror presumed that the warfighting would be waged against a tactic. However, on May 23, 2013, President Barack Obama announced that the Global War on Terror was over, asserting that U.S. military and intelligence agencies wouldn’t wage war against a tactic but would instead focus on specific groups of networks whose goals were to destroy the U.S.<sup>4</sup>

The Abu Ghraib prison debacle, wherein the showcasing of prisoner abuse was strewn across the international media stage, stands out as a glaring missed opportunity for said U.S. military personnel to proactively gain intelligence and actionable information from prisoners. Oussama Atar, the man believed to be the mastermind behind the November 2015 Paris attack and the 2016 Brussels bombings, had been a prisoner at both Abu Ghraib and Camp Cropper, a detention facility that had housed Saddam Hussein.<sup>5</sup> A March 2017 CNN article asserted that Atar had been radicalized in various detention facilities while in U.S. custody and that he had met Abu Bakr al-Baghdadi, the creator of ISIS and currently its presumed leader, in such a facility.<sup>6</sup> There are numerous online accounts and statements by U.S. military officials condemning the torture and murders that occurred

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at Abu Ghraib and specifically, how these tortures either set back U.S. and coalition forces' ability to legitimate its continued participation in Afghanistan, Iraq, and associated regions or even worse, strengthened the resolve of terrorist organizations such as ISIS and Al Qaeda.<sup>7,8</sup>

Did the U.S. government miss substantive proactive operational opportunities when it had command, control, and or influence of said facilities? If so, what were these opportunities and how could it have gone about realizing measurable gains from such operations? For purposes of this discussion, operational opportunities will be defined as a) confidential informant (CI) cultivation and control, and b) undercover operations.

To answer the aforementioned questions, this article shall analyze the applicability of the following scientific experiments to realizing the aforementioned operational opportunities in prisons. The findings of the "Stanford University Prison Experiment," involving students assuming roles of both prisoner and prison guard within a prison environment and the "Milgram experiment," showcasing obedience to authority versus individual conscience, will be applied to the U.S. military's handling of said facilities, showcasing failures to identify solutions. Had the U.S. military morally acted as an experimental authority over its facilities' prisoner *and* guard subjects to create the conditions/environment to proactively develop CIs, these facilities would have arguably represented a revolutionary paradigm shift from den of thieves to golden intel egg-laying goose in terms of the U.S. military world view applied to prison camp management.

What if morality, ethics, and the rule of law (i.e. Geneva Convention), which were lacking at Abu Ghraib, had been clearly communicated and inculcated into these facilities' guards by military leadership as the crux to realizing the operational opportunities defined above? Had U.S. military senior leadership clearly prioritized to its staff the long-term mission

importance of CI cultivation and control within these facilities and had the same leadership emphasized how important this was to future undercover missions throughout the world, the U.S. might have put itself in a better position to disrupt or dismantle terrorist or criminal groups. This case study asserts that had the U.S. military appropriately leveraged the Stanford Prison and Milgram experiment findings to Abu Ghraib and other camps under its dominion and control, it would have realized significant opportunities to 1) cultivate and control high-value CIs to be purposely infiltrated within the jihadi community, and 2) proactively leverage these CIs, via long-term undercover operations, to obtain actionable operational intelligence into future destructive plots. However, because the U.S. military had not leveraged the Milgram and Stanford Prison Experiments' findings to the prisons it controlled, it missed being able to capitalize on said operational opportunities.

**What if morality, ethics, and the rule of law...had been clearly communicated and inculcated into these facilities' guards...?**

## **Background**

### *The Milgram Experiment (1961)*

The Milgram Experiment attempted to measure the obedience of people to authority figures and it was led and conducted by Yale University Psychologist Stanley Milgram in July 1961, shortly after the beginning of the trial of Nazi Adolf Eichmann for war crimes he had committed during World War II. Among a number of research questions, the Milgram Experiment sought to answer a particular question: "Could it be that Eichmann and his million accomplices in the Holocaust were just following orders? Could we call them all accomplices?"<sup>9</sup> The Milgram Experiment

measured study participants' willingness to obey an authority figure who instructed them to do things that went against their personal conscience.

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In the Milgram Experiment there were three persons involved, each with a distinct role: 1) the experimenter ran the experiment (an authoritative role); 2) the subjects of the experiment, all male volunteers, role-played as the teacher (obeyed the experimenter's orders); and 3) the learner was a confederate of the experimenter pretending to be a volunteer (received stimulus from the teacher). The teacher and learner were taken into an adjacent room where the learner was strapped into what appeared to be an electric chair with electrodes attached to the learner's arms, with the experimenter telling the subject teachers that this was to ensure that the learner would not escape.<sup>10</sup> The learner and teacher were put in separate rooms and could communicate with one another but not see each other. The teacher and experimenter together went into a room adjacent to the learner, where the teacher could see and use an electric shock generator and a row of switches marked from 15 volts, defined as a slight shock, to 375 volts defined as danger/severe shock, to 450 volts, defined only as "XXX." Prior to the actual experiment starting, the teacher (volunteer) was given a sample electric shock so that he could personally experience what the learner would feel when the learner was given shocks. The teacher was then given a list of word pairs that he was to teach the learner and then instructed to read the word pairs to the learner, beginning with the first word of each pair and reading four possible answers. The

teacher would give a shock to the learner each time the learner gave a wrong answer and the shocks increased in 15-volt increments for each of the learner's wrong responses. If correct, the teacher would read the next word pair without administering a shock.<sup>11</sup>

The teachers, who were the subjects of the experiment, all believed that for each wrong answer, the learner was receiving real shocks, but in actuality, the learners weren't receiving any real shocks at all. After the confederate learner was separated from the teacher, the confederate played pre-recorded sounds for each shock level administered by the teacher, making electroshock generator sounds that the teacher heard each time the teacher administered a shock to the learner. The confederate actor also started to bang on the wall that separated him from the teacher after each voltage level increase and after banging on the wall a couple of times and complaining about his heart condition, the confederate learner stopped responding to any shocks administered by the teacher.<sup>12</sup> At this point, a number of subject teachers wanted to stop the experiment and check on the learner, with several subject teachers pausing at 135 volts and questioning the experiment's purpose. However, most continued after being assured that they would not be held responsible. Some subject teachers started to nervously laugh or show signs of extreme stress when they heard screams of pain coming from the learner.<sup>13</sup>

Whenever a subject teacher said that he wanted the experiment to stop, the experimenter would tell the subject the following, in this order:<sup>14</sup>

1. Please *continue*.
2. The experiment requires that you *continue*.
3. It is absolutely essential that you *continue*.
4. You have no other choice, you *must* go on.

The experiment was stopped if the teacher still wished to stop after the experimenter had

given all four of the aforementioned verbal prods, otherwise, the experiment was stopped if the teacher had given the maximum 450-volt shock three times in a row. If the teacher raised concerns about his conduct during the experiment, the experimenter would say certain things to see if the teacher would continue. One of the questions asked by teachers was whether or not the learner would be permanently harmed physically, to which the experimenter would tell the teacher that there wouldn't be any permanent physical injury despite the shocks being painful. If the teacher said that the learner clearly wants to stop, the experimenter replied, "Whether the learner likes it or not, you must go on until he has learned all the word pairs correctly, so please go on."<sup>15</sup>

The first set of Milgram Experiment results revealed that 65 percent (26 of 40) of experiment participants (teachers) administered the experiment's final massive 450-volt shock,<sup>16</sup> though many were uncomfortable doing so. All participants paused and questioned the experiment at points during the experiment, with some subjects stating that they would refund the money they had been paid for participating in the experiment. Throughout the Milgram Experiment, subjects displayed different levels of stress and tension, such as sweating and trembling, with some even having nervous laughing fits or seizures.<sup>17</sup>

In his 1974 article, "The Perils of Obedience," Milgram said that he tried to see how much pain a regular person (experiment's subject) would exact on another person just because he was told to do so by an authority figure. He concluded that experimental subjects, who had no pre-disposed inclination to hurting others (i.e., Philip Zimbardo's dispositional or inherent evil argument, explained in the next section), clearly knew that they were doing so just because they were told to by an authority figure the subject did not have the wherewithal to resist.<sup>18</sup>

In summary, the Milgram Experiment revealed that approximately 2 out of 3 people were prepared to obey authority, although unwillingly, even if those people believed they were causing serious injury and distress.

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### *The Stanford Prison Experiment (1971)*

The Stanford Prison Experiment was a study funded by the U.S. Office of Naval Research based on the U.S. Navy's and U.S. Marine Corps' interest in the causes of conflict between military guards and prisoners.<sup>19</sup> Led by Stanford University Professor Philip Zimbardo, this experiment occurred between August 14 and 20, 1971, and sought to determine whether "the brutality reported among guards in American prisons was due to the sadistic personalities of the guards (i.e., dispositional) or had more to do with the prison's social structure/environment (i.e., situational)."<sup>20</sup> The experiment involved 24 Stanford University male students who were randomly selected out of an original 75 volunteers to randomly play either the role of prisoner or guard and to live and interact in a mock prison in the basement of the Stanford University psychology building. There were a total of 10 prisoners, 11 guards, and 2 reserves, all picked at random from these 24 volunteers. Researchers set up the prison environment to be as realistic as possible, though one of the main rules during the experiment was that no physical violence was allowed. Deindividuation also occurred, wherein prisoners could only refer to each other by number as to make each one feel anonymous. Guards wore the same uniform, possessed whistles and batons, and had been instructed by researchers to do whatever they needed to in order to maintain law and order and the prisoners' respect.

On the second day of the experiment, a prisoners' rebellion ensued and guards were called in for reinforcement. Guards stripped prisoners naked and also put prisoner ringleaders into solitary confinement. Some of the resulting effects of the Stanford Prison Experiment on the prisoners, as based on the guards' abusive behavior, were "acute emotional disturbance, disorganized thinking, uncontrollable crying (3 prisoners) and rage."<sup>21</sup> Experimenters tried to get one of the prisoners to leave the experiment but this prisoner said he couldn't leave because other prisoners had labeled him a bad prisoner. Zimbardo had to go out-of-role to remind the student that this was just an experiment, and that he and the others were students, not prisoners, in order to convince this student to leave.<sup>22</sup>

**[The Stanford Prison Experiment] conclusions were that the prison's social structure and environment...caused the guards and prisoners to behave the way that they did...**

The experiment was supposed to last two weeks but ended after six days when Stanford Ph.D. student Christina Maslach, who was supposed to interview the guards and prisoners, objected to the abuse that the guards had inflicted on the prisoners. She was the only person to question the morality of the experiment, out of roughly 50 outsiders who observed the prison conditions.<sup>23</sup>

This experiment's conclusions were that the prison's social structure and environment (situational explanation) caused the guards and prisoners to behave the way that they did and not because the guards or prisoners had a sadistic or passive disposition (dispositional explanation) prior to the start of the experiment. Another Stanford Prison Experiment finding was that the experimental subjects had conformed to stereotyped social roles that persons in that

situational circumstance (prison environment) were expected to play. Also, deindividuation among the guards was found to have contributed to the loss of individual morality because of their being surrounded by the guards' group norm of brutality.<sup>24</sup> Among the prisoners, learned helplessness exhibited itself so that whatever a prisoner did had no effect on the guards' treatment of the individual prisoner.

After the experiment, students said they couldn't believe they behaved in the brutalizing (guards) or subservient (prisoners) manner that they did. Three types of guards emerged from the interview of prisoners: 1) tough but fair guards who followed prison rules; 2) guards who were "good guys" who did little favors for the prisoners and never punished them; and 3) about a third of the guards were hostile, arbitrary, and inventive in their forms of prisoner humiliation—these guards appeared to thoroughly enjoy the power they wielded, yet none of the Stanford Prison Experiment's preliminary personality tests were able to predict this behavior.<sup>25</sup> Zimbardo made observations throughout the experiment and had role-played as the prison superintendent, later saying in 2008 that, "It wasn't until much later that I realized how far into my prison role I was at that point—that I was thinking like a prison superintendent rather than a research psychologist."<sup>26</sup> The Stanford Prison Experiment results showed that the students who role-played as prison guards exercised authoritarian measures and even subjected the students who role-played as prisoners to torture.

### *Undercover Operations*

For purposes of defining undercover operations for this case study, the open-source definitions set forth by the Undercover and Sensitive Operations Unit, Attorney General's Guidelines on Federal Bureau of Investigations (FBI) Undercover Operations, revised 11/13/92, shall be used:<sup>27</sup>

Undercover operations are investigations involving a series of related undercover

activities over a period of time by an undercover employee. A “series of related undercover activities” generally consists of more than three separate contacts by an undercover employee with the individual(s) under investigation. “Undercover activities” means any investigative activity involving the use of an assumed name or cover identity by an employee of the FBI or another Federal, state, or local law enforcement organization working with the FBI. However, undercover activity involving sensitive or fiscal circumstances constitutes an undercover operation regardless of the number of contacts involved. An “undercover employee” means any employee of the FBI, or employee of a Federal, state, or local law enforcement agency working under the direction and control of the FBI in a particular investigation, whose relationship with the FBI is concealed from third parties in the course of an investigative operation by the maintenance of a cover or alias identity. A registered confidential informant may also be deemed an “undercover employee” for purposes of this definition. An undercover operation may also utilize a “proprietary,” which means a sole proprietorship, partnership, corporation, or other business entity operated on a commercial basis, which is owned, controlled, or operated wholly or in part on behalf of the FBI, and whose relationship with the FBI is concealed from third parties. Please note that even though the aforementioned undercover operations definitions are that of the U.S. Attorney General’s Office for the FBI, the author asserts that they also apply to other U.S. law enforcement agencies.

### ***Confidential Informants***

As defined by the open-source “U.S. Government Accountability Office’s Report To The Chairman, Committee On The Judiciary, U.S. Senate, Confidential Informants: Updates To Policy And Additional Guidance Would Improve Oversight By [U.S. Department of Justice]

And [U.S. Department of Homeland Security] Agencies” (September 2015): confidential informants provide information and take action at the direction of law enforcement agencies to further investigations, and agencies may rely on confidential informants in situations in which it could be difficult to utilize an undercover officer.<sup>28</sup> An informant can be motivated by many factors, including financial gain or reduced sentencing for criminal convictions. confidential informants who assist Department of Justice or Department of Homeland Security law enforcement agencies often have criminal histories, though some are concerned citizens with no criminal connections.<sup>29</sup> Additionally, the identities of CIs are privileged in order to protect these individuals against retribution from those being investigated and involved in crime.<sup>30</sup>

## **U.S. Army personnel were found to have committed human rights violations against detainees at Abu Ghraib...**

### ***Abu Ghraib Prison Camp***

Abu Ghraib was a prison that had been used by Saddam Hussein to hold approximately 50,000 men and women in squalid conditions where torture and execution were frequent.<sup>31</sup> Following the invasion of the U.S. military and allied forces, the U.S. Army refurbished it and turned it into a military prison, which became the largest of several detention centers in Iraq used by the U.S. military.<sup>32,33</sup> In April 2004, CBS News published photographs of the abuse by the U.S. Army and brought the crimes committed at Abu Ghraib to the world’s attention. U.S. Army personnel were found to have committed human rights violations against detainees at Abu Ghraib,<sup>34</sup> and according to the CNN article, these abuses included torture and sexual abuse.<sup>35</sup> In subsequent U.S. military trials of crimes related to the abuse and humiliation of Abu Ghraib prisoners, 11 U.S. soldiers were convicted.<sup>36</sup>

## Analysis

The one glaring shortcoming of the U.S. military's performance at Abu Ghraib, besides the atrocities that it inflicted upon prisoners, was that it had a chance to apply the findings of both the Milgram and Stanford Prison experiments, the latter ironically being a study it had funded, to prevent the atrocities and negative outcomes that occurred. As the saying goes, "hindsight is 20/20" and rather than illuminate and criticize all of the shortcomings that occurred at Abu Ghraib and other U.S. military prison camps, and there are many, it is hoped that the following provides solutions to these shortcomings. As the Milgram Experiment conclusions showed, and because the U.S. military is a hierarchy wherein strictly following and complying with the chain of command is expected, it is more likely than not that a U.S. soldier at Abu Ghraib

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or any one of the prison camps run by a U.S. military chain of command would have explicitly followed the orders of an authority figure, even if those orders were abusive. Realizing that soldiers are sensitive to the authority of his chain of command, military leadership (and again, the emphasis on leadership cannot be overstated) must be cognizant of proactively giving legal and moral orders, despite how heinous the environment (i.e., prison camps) might be. The Stanford Prison Experiment's situational argument for why atrocities might be committed in a prison environment should not be subconsciously used by military leadership as an excuse or crutch for atrocities that occur from having given immoral or illegal orders to subordinates. Zimbardo himself asserted that

the environment was to blame for U.S. Army soldiers at Abu Ghraib having committed atrocities, succinctly asking, "Should these few Army reservists be blamed as the 'bad apples' in a good barrel of American soldiers, as our leaders have characterized them? Or are they the once-good apples soured and corrupted by an evil barrel? I argue for the latter perspective after having studied the psychology of evil for many decades. In fact, I have been responsible for constructing evil barrels that produced many bad apples."<sup>37</sup> However, this argument can be attacked and is indeed countered by the fact that possible sadistic traits may already exist in some U.S. military recruits, as psychological testing to become a U.S. soldier was not a prerequisite for the 11 soldiers convicted at Abu Ghraib. In fact, it wasn't until 2014 that a new mental health screening bill, which supporters say could help stem the high rate of U.S. military suicides or even stop shooting rampages, passed the U.S. House of Representatives as part of the 2015 defense budget. This bill directed the National Institutes of Health's mental health unit to develop a screening procedure for those who want to join the military.<sup>38</sup> According to U.S. Army studies published in March 2014 by the *Journal of the American Medical Association*, 1 in 5 soldiers had a common mental disorder, and more than 1 in 100 had a past suicide attempt.<sup>39</sup> These studies also found that suicides among service members who had never deployed to war zones had risen, despite perceptions that combat trauma drove suicide rates.<sup>40</sup>

Even though one of Zimbardo's main arguments was that the situation created the monster, it must be noted that the monster may have already existed in some of the U.S. soldiers at Abu Ghraib, and that official psychological/emotional screening methods for new soldiers had not been employed by the U.S. military for the 11 convicted soldiers at Abu Ghraib. Taking the analysis further, even if U.S. military psychological/emotional screening for the 11

soldiers did exist and these 11 had never become soldiers and another 11 different soldiers who had passed the screening were subjected to the Abu Ghraib prison environment, would the monster still have showed itself in these other 11 soldiers? If the reader of this article believes Zimbardo's argument holds true and constant absent dispositional factors of the soldier, that the situational influence of Abu Ghraib is stronger than a soldier's disposition for overcoming negative situational influences, then yes, potential monsters and cruel acts would also be evident in this other 11 soldier sampling. As Milgram stated in 1974, "Ordinary people, simply doing their jobs, and without any particular hostility on their part [i.e., dispositional], can become agents in a terrible destructive process."<sup>41</sup> Because the Milgram Experiment (1961) occurred before the Stanford Prison Experiment (1971), and because Zimbardo himself was fully aware of the former experiment before conducting his own—and had actually noted to Milgram that Milgram's participants who had refused to administer the final shocks, neither insisted that the experiment be terminated, nor left the room to check the health of the victim without requesting permission to leave<sup>42</sup>—could it be possible that Zimbardo was reinforcing his non-dispositional hypothesis to explain atrocities committed by an experimental subject by reinforcing Milgram's non-dispositional attribution? The importance of this question lies in the fact that if it is valid and true that the situation causes people to commit evil acts, and that this is further detrimentally compounded by the influence of authority facilitating the acts, then the U.S. military who funded the Stanford Prison Experiment should have benefited from the conclusions of both experiments and applied these findings (which it had received decades earlier) to the environment that was Abu Ghraib.

As Zimbardo would have us believe, if the situation will always dominate a soldier's dispositional ability to overcome that situation,

i.e., an environment as challenging as Abu Ghraib, then this "nature overcoming nurture" dominance makes the Milgram Experiment's findings and applicability to military leadership even more important because military leadership's cognizance of subordinates' sensitivity to obeying authority allows that leadership to firmly and unequivocally communicate 1) the terms of engagement with prisoners and how interacting with prisoners can facilitate CI cultivation and control, and 2) what CI cultivation means for either military or law enforcement undercover operations to disrupt/dismantle a criminal/terrorist organization. Even if the soldier were innately evil, Milgram's findings attest to the importance of moral authority exercised by military leadership to overcome the dispositional argument. Moral military leadership and its correlating orders could have created the following outcomes for U.S. military, law enforcement, and intelligence units, opposite of what actually occurred at Abu Ghraib:<sup>43</sup>

**...Milgram's findings attest to the importance of moral authority exercised by military leadership...**

### *Framing*

Reinforce to subordinate soldiers that Abu Ghraib represented opportunities for appropriate personnel (CIA case officers or those who could operationalize intelligence information obtained from prisoners) to cultivate and control informants in the fight against terrorism.

### *Rapport*

Tell subordinate soldiers that the only way to accomplish the aforementioned described in "Framing" was to treat prisoners with dignity and to develop rapport with same. As stated by a U.S. law enforcement lieutenant:

The real key to gathering information is

in the development of relationships with the people you encounter and with them broaching the subject of crime. Some of the biggest arrests I've seen were the result of patrol officers getting information from people they have arrested for minor infractions. What these officers simply did was treat the arrestees with dignity and respect and simply asked them if they knew anything about any crimes. It is amazing how willing people are to talk, but it is even more amazing how some police officers are unwilling to listen. Develop a positive relationship with the people you encounter while on the job and you cultivate potential informants. They can be people you assist, arrest, or just chat with in any capacity. Take the opportunity to listen to them, understand their perspectives and concerns, establish trust, educate, and ultimately make yourself available—you will soon find yourself with a flock of people willing to tell you stuff.<sup>44</sup>

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### *Independent Corroboration*

Assuming that CIs are successfully cultivated by U.S. government personnel from a sea of prisoners and they provide information, this information must then be independently corroborated to ensure accuracy and to prevent negative outcomes from happening by acting on bad information. Even if positive rapport between U.S. government personnel and the CI occurred, which would presume information so obtained would not be as unreliable as that obtained through coercion, it can be presumed that there could still be prisoners who are loyal to the terrorist ideology and who would exercise

counterintelligence tradecraft to make the person controlling the CI (“controlling agent”) hear what they wanted to in order to receive rewards of one type or another.

### *Using CIs in Targeted Undercover Operations*

Once a CI has been deemed a reliable CI, based on that CI's information being independently corroborated over a period of time, the controller could then use the CI to infiltrate an identified terrorist or criminal organization in order to obtain actionable intelligence or prosecutable evidence. Going back to the importance of framing described previously, the cultivation of CIs in targeted undercover operations is what military leadership needs to communicate and even order as a performance metric to ensure that potentially negative perceptions of Abu Ghraib are framed positively to counter any evil dispositional tendencies being realized by innately cruel soldiers.

### **Counterargument**

A counterargument to the above analysis and thesis would be whether or not there are any examples of prisons/camps where substantive intelligence collection or CI cultivation opportunities were not missed, despite cruel treatment by prison guards. There does not appear to be any open-source evidence of situations where despite cruel treatment by prison guards, good intelligence was gathered or reliable CIs were cultivated. In fact to the contrary, open-source information revealed that despite the military having funded the Stanford Prison Experiment and knowing about the conclusions from this experiment and that of the Milgram Experiment decades before prisoner abuses at the various U.S.-controlled prisons and camps, it did not apply these findings to the prisoners at Abu Ghraib or Guantánamo Bay (“Gitmo”), another publicized prison camp run by the U.S. military where abuses also occurred.<sup>45</sup> Though U.S. officials asserted that information obtained from Gitmo detainees revealed terrorist

cells, prevented terrorist attacks and provided important intelligence about Al Qaeda, the *New York Times* asserted that U.S. government and military officials have repeatedly exaggerated both the danger (Gitmo) detainees posed and the intelligence they provided.<sup>46</sup> Furthermore, the aforementioned *Times* article asserted that “while some Guantánamo intelligence has aided terrorism investigations, none of it has enabled intelligence or law-enforcement services to foil imminent attacks... Compared with the higher-profile Al Qaeda operatives held elsewhere by the CIA, the Guantánamo detainees have provided only a trickle of intelligence with current value.”<sup>47</sup>

## Conclusion

The Stanley Milgram Experiment concluded that people were willing to obey authority, even if they questioned the authority’s commands, as they clearly knew that by obeying the commands their actions were inflicting pain to others. The Philip Zimbardo Stanford Prison Experiment stated that situational dynamics, such as group norms and deindividuation within a prison environment caused one group of test subjects (guards) to commit atrocities against another (prisoners). This article’s thesis argued that to counter the situational conclusion posited by Zimbardo, wherein people committed atrocities as a function of a negative environment that a person finds himself in, the authority entity (U.S. military leadership) needs to understand and leverage Milgram’s findings to ensure that moral leadership that gives legal and moral commands towards a framed goal (CI cultivation, using undercover operations) is firmly and unequivocally ordered in a prison environment to overcome any inherently dispositional (evil) tendencies of subordinate soldiers that formal screening methods (psychological testing) might miss. A clear legal and moral game plan at Abu Ghraib and the moral and legal application of authority by military leadership would have

been the keys to cultivating CIs and advancing undercover operations with these CIs.

**A clear legal and moral game plan at Abu Ghraib and the moral and legal application of authority by military leadership would have been the keys to cultivating CIs and advancing undercover operations with these CIs.**

Even though prison abuse and “enhanced interrogation techniques” (a euphemism for torture) occurred at Gitmo outside the boundaries of the Geneva Convention,<sup>48</sup> the assertion by U.S. officials that substantive intelligence was still gathered as a result of guards being cruel is questionable. However, if it were true that reliable CIs were cultivated and actionable intelligence gathered as a result of guards being cruel, this would effectively attack this case study’s thesis, with the caveat that quantitative performance metrics (number of arrests, indictments, convictions, terrorist financing dollars seized, number of terrorist acts thwarted) would need to be proffered in support of the effectiveness of information obtained cruelly by guards. As evidence that information obtained cruelly has little value, Lieutenant Colonel Anthony Christino III, a retired Army intelligence officer who specialized in counterterrorism and was familiar with the Guantánamo intelligence stated:

I doubt that anyone (prisoners) detained at Guantánamo ever had access to that type of information; if some claim that they did, they probably did so to either earn the incentives or avoid the maltreatment that General Miller instituted. The quality of the interrogations and the quality of the analysis were all very poor. Efforts were made to improve things, but after decades of neglect of human intelligence skills, it can’t be fixed in a few years.<sup>49</sup>

According to *The Guardian*, Christino's conclusions were backed by three other intelligence officials, who spoke on condition of anonymity. One, a 30-year veteran of the FBI who worked on tracking terrorist financing, said, "I'm unaware of any important information in my field that's come from Gitmo.... It's clearly not a significant source."<sup>50</sup>

A recurring theme throughout this article is contemporary military leadership not applying lessons learned from the past, even when it was the military who funded the very experiments and research that brought those answers. The glaring example is the U.S. Office of Naval Research funding the Stanford Prison Experiment to determine the causes of conflict between military guards and prisoners, only to abandon those findings decades later. However, the *New York Times* published an article in 2004 that showed American and foreign officials becoming increasingly concerned about Guantánamo detainees who posed little threat to the United States becoming radicalized by the conditions of their imprisonment and those held with them.<sup>51</sup> A senior Arab intelligence official familiar with Guantánamo operations said, "Even those who were not hard-core extremists have now been indoctrinated by the true believers. Like any other prison, they have been taught to hate. If they let these people go, these people will make trouble."<sup>52</sup>

In the words of philosopher George Santayana, "those who cannot remember the past are condemned to repeat it." In 2006, decades after the findings of the Milgram and Stanford Prison Experiments had been published, U.S. military leadership of prison camps missed opportunities to cultivate, because of the conduct of their subordinate charges, arguably one of the highest value human intelligence assets during the post-9/11 war on terror. That asset was Oussama Atar, who was imprisoned at Camp Cropper and who had been radicalized in U.S. custody, perhaps due in part to mistreatment. Because the U.S. military missed the opportunity to cultivate Atar as a CI, it also missed the opportunity to use Atar and others like him to proactively infiltrate worldwide terrorist or criminal networks and obtain actionable intelligence on terror/criminal plots. Atar, who had met Abu Bakr al-Baghdadi, the creator of ISIS and its presumed leader, in such a facility,<sup>53</sup> clearly would have had access to the highest echelons of ISIS terrorist leadership and the leadership of associated terrorist networks. **IAJ**

## Notes

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