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## Shawn Vestal: Torture book by Spokane psychologist is MIA

The sale of the book “Enhanced Interrogation” co-authored by Spokane psychologist James E. Mitchell has been postponed. (Courtesy: Amazon.com, Inc.)

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As the lawyers, government, torturers and tortured wrestle over state secrets in the case against two psychologists who ran an \$81 million torture enterprise from Spokane, an odd question has emerged.

What happened to James Mitchell’s book?

Mitchell, who worked alongside Bruce Jessen to develop and implement the Bush administration’s torture program, co-authored “Enhanced Interrogation,” which was slated by Crown Publishing for a May 10 release.

Here’s how the book was touted:

“The creator of the CIA’s enhanced interrogation techniques program provides a dramatic firsthand account of the design, implementation, flaws, and aftermath of the program, including personally interrogating 9/11 mastermind Khalid Sheikh Mohammed and how he learned from the lips of America’s enemies what it will take to win the continuing struggle against global jihad.”

But the book’s publication seems to have fallen into question. Crown no longer features “Enhanced Interrogation” on its website, as it once did. Searches on the site for the title and Mitchell’s name come up blank. Several online book-sellers still list the book with a publication date of May 10, but at least one notes that it has been “POSTPONED INDEFINITELY.”

I was not able to get an explanation for the delay from Crown or the “strategic public relations firm” that represents Mitchell. But perhaps it has something to do with this: Mitchell’s attorneys in the lawsuit are asserting the opposite of what Mitchell’s book claims.

They argue in court filings that a “major focus” of the defense will be that Mitchell and Jessen “did not do what Plaintiffs allege they did. They did not create or establish the CIA enhanced interrogation program; they did not make decisions about Plaintiffs’ capture, treatment, confinement conditions, and interrogations; and they did not perform, supervise or control Plaintiffs’ interrogations.”

Apparently someone forgot to inform Mitchell.

The suit against Mitchell and Jessen, former survival-school psychologists at Fairchild Air Force Base, was brought in federal court by the ACLU on behalf of detainees subjected to the “enhanced interrogation” program, including one who died. Attorneys are now beginning an evidence-gathering process that will be complicated by the government’s desire to protect classified information. Government attorneys have argued that the disclosure of certain information could do “exceptionally grave damage” to national security.

The defendants’ lawyers have noted that this makes their job difficult – and have also given the impression that the government is more than mildly interested in keeping a lid on things. For example, the men signed non-disclosure agreements as part of their contract with the CIA, and the agency has been very interested in making sure they stick to them.

As the men’s attorney, Christopher Tompkins, put it in court records, “Counsel for Defendants have been in communication with Andrew Warden, counsel with the United States Department of Justice, since mid-March 2016, and have on several occasions been reminded of the existence of the Nondisclosure Agreements and their continued vitality.”

The parties attempted to resolve these concerns with a plan filed this week: Depositions will be conducted in the presence of a government attorney who can raise objections, and documents that might include classified information will be reviewed by government attorneys.

It is a fascinating and complicated case for many reasons: the plaintiffs are citizens of other countries, alleging war crimes under the Alien Tort Statute, among other claims; the government is doing its darndest to keep a lid on something; questions of politics and sovereignty and immunity and duty abound.

It’s enough to make one forget about the essentials, as laid out in numerous accounts: Mitchell and Jessen developed and promoted the use of several torture techniques; employed them when the Bush administration unilaterally released the nation from legal standards prohibiting torture, leading to their use on 119 detainees, including top al-Qaeda members and others found to pose no threat; and were allowed to evaluate the effectiveness of their own work, for which they were paid \$1,800 a day. They did this from the downtown Spokane offices of Mitchell & Jessen Associates.

An exhaustive 2014 Senate report detailed their involvement, and drew a series of damning conclusions: the men had no experience in interrogation; developed techniques based on pseudoscience; and were given authority over more experienced and effective FBI interrogators. The report concluded that torture did not produce any “unique” or “valuable” information.

In a statement, ACLU attorney Steven Watt said that the promotional materials that were put out for the book seem to be at odds with arguments made by Mitchell’s attorneys, and that the book manuscript would be “discoverable” by the plaintiffs. “If the book does narrate Mitchell’s role in the design and implementation of the program, this is an admission to his having collaborated

with the CIA in the program, which is evidence substantiating at least some of our clients' claims," he said.

Jessen has stayed almost entirely silent, while Mitchell has given a few interviews. He has criticized the report and defended his work. If his book is published, it will be fascinating to put it side-by-side with the many other less-flattering sources of information about the interrogation program – from the Senate report to the detailed work of many journalists to the FBI interrogators who were at interrogation sites with Mitchell to the American Psychological Association to the Red Cross...

One has to assume his story will depart from the others, much as it seems to have departed from his defense.

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