

**Does Age Matter? Motivations for Supporting  
Interrogation Practices in the “War on Terror”**

**By**

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## Abstract

Following the terrorist attacks of September 11<sup>th</sup>, 2001, President Bush declared the “War on Terror,” and approved the use of enhanced interrogation methods.

Though many offer utilitarian justifications for these practices, research suggests the desire to punish is largely fueled by retributive motives of which individuals are often unaware. Research conducted by Kevin Carlsmith and Avani Sood in *A fine line between retribution and interrogation* (2009) showed that enhanced interrogations were treated as a proxy for punishment. As such, both utilitarian and retributive factors affected the severity of assigned interrogations and punishment. These main effects were mediated by the perceived moral status of the detainee but not the effectiveness of the interrogations, indicating that participants’ decisions were primarily fueled by retributive motives.

The current experimental study sought to replicate the original research, examining the robustness of the results across time. Additionally, age was introduced as a new independent variable, examining the effect of juvenile status on the desire to punish.

Results revealed that interrogations were once again highly correlated with the desire to punish. The detainee’s guilt stemming from prior bad acts and presumed knowledge of actionable intelligence both significantly affected the assigned levels of interrogation and punishment severity. Directly replicating the original results, these effects were mediated by perceived moral status. However, unlike in the original study, the perceived effectiveness of the interrogations also mediated both main effects. Finally, the interaction of the detainee’s juvenile status and guilt also significantly affected the assigned levels of interrogation severity.

Results are discussed with regard to the current political climate, psychological decision-making processes, retributive justice, and implications for public policy.

## Introduction

Following the attacks of September 11<sup>th</sup>, 2001, President George W. Bush launched the “War on Terror”, targeting anti-Western jihadists. By mid-March 2002, the CIA had authorized the use of enhanced interrogation techniques on detainees held internationally at CIA black sites, secret prisons and detention camps like Guantanamo Bay. These approved techniques included six methods called The Attention Grab, Attention Slap, The Belly Slap, Long Time Standing, The Cold Cell, and Water Boarding (Ross, Brian, & Esposito, 2005). By August 1, 2002, Jay S. Bybee signed a memo narrowing the definition of torture by concluding, “that ‘certain acts may be cruel, inhuman, or degrading, but still not produce pain and suffering of the requisite intensity to fall within [the] proscription against torture,” (Waldron, 21). Based on this memo, detained enemy combatants were denied all rights or protections granted under the US Constitution or international law, such as Common article 3 of Geneva Convention on prisoners of war. Additionally, detained enemy combatants became subject to a total of fourteen enhanced interrogation methods, including solitary confinement, the use of police dogs, stress positions, the removal of clothing, and sensory deprivation or overload, in addition to the aforementioned six (*National Geographic: Inside Guantanamo*, 2009).

These techniques continued to be used, often in secrecy, until questioning of their legality resulted in a bill to ban all such methods in March 2008. President Bush vetoed this bill, stating that prohibiting such practices would jeopardize national security and “take away one of the most valuable tools in the war on terror” (President Bush, 3/8/08). This suggests that the methods were in fact effective at producing truthful confessions and actionable intelligence; however, evidence exists to suggest otherwise. Richard Leo’s *Police Interrogations and American Justice* discusses how even mild versions of enhanced interrogation conditions often lead to partially-true or false confessions as detainees,

Wish to terminate the interrogation and escape from the stress, pressure, and confinement of the interrogation process; they come to perceive they have no meaningful choice but to comply with the demands of the interrogators; or they come to perceive that the benefits of admitting to some version of the offense outweigh the costs of continued denial. (Leo, 162)

Furthermore, Ali Soufan, F.B.I. supervisory special agent and experienced terrorist interrogator, along with Special Agent Dan Coleman, former lead investigator on Osama bin Laden and al Qaeda, both came forward questioning the effectiveness of the methods (Wahlquist, 2009; Soufan, 2009). Soufan and other top agents credit traditional methods, not harsh threats, for successes such as the capture of Ramzi bin al-Shibh, a key facilitator in the September 11<sup>th</sup> attacks (Soufan, 2009). In reference to the harsh methods used on Abu Zubaydah, Coleman declared, “I don’t have confidence in anything he says, because once you go down that road, everything you say is tainted,” (Wahlquist, 2009). Additionally, “the experts, such as FBI Director Mueller, DIA Director General Maples, and General David Petraeus...all insist that even with hardened terrorists, you get more and better intelligence without resorting to coercive interrogations and torture,” (Coercive Interrogation Techniques: Do they work, are they reliable, and what did the FBI know about them, 2008).

So why, then, if top acting officials deem the harsh methods ineffective, were they not only still utilized, but at times even publicly supported? The underlying psychological motivations and justifications for such practices were addressed in Carlsmith and Sood’s *A fine line between interrogation and retribution* (Carlsmith & Sood, 2009). Their experimental study found that the general US population treated harsh interrogations as a proxy for punishment. Assigned interrogations levels were found to be dependent on the detainee’s prior guilt of committing bad acts, reflecting his moral status. As such, retributive factors served as their motivation, not utility.

Immediately following his inauguration, President Obama passed the bill President Bush had formerly vetoed, officially precluding enhanced interrogation techniques not included in The Army Field Manual (Wahlquist, 2009). Since the change in legislation, little research has been done to examine whether or not the previous effect showing support for harsh methods due to retributive motives still exists. Furthermore, the effect was only shown to exist for one population of detainees—adults. I am interested in whether or not the effect is robust, holding true across targets of different ages.

## Literature Review

### *Background on Enhanced Interrogation Methods*

Traditionally, interrogations were conducted in accordance to the guidelines outlined and authorized by the United States Army Field Manual on Human Intelligence Collector Operations (Carlsmith & Sood, 2009), which exemplifies the U.S. commitment to policies that prohibit torture. However, the immediate panic that followed the 9/11 attacks that the only way to successfully combat al Qaeda was to employ harsher methods that included techniques such as,

“waterboarding (strapping a detainee face-up on a board while dousing with water to stimulate drowning), prolonged exposure to freezing temperatures, forced nudity, sexual humiliation, mock executions, electric shocks, dislocation of limbs, asphyxiation, use of attack dogs, application of lighted cigarettes to ear canals, and withholding of food, water, or medical care,” (Carlsmith & Sood, 2009).

These practices were officially approved in early 2002. As time progressed the reality of the practices and the reliability of the information they were producing slowly came to light. This brought the Constitutionality of such methods into question. As such, Congress proposed to ban all use of such methods in 2008. President Bush vetoed this bill, stating that prohibiting enhanced interrogations, “would take away one of the most valuable tools in the war on terror” (3/8/08). They continued for another year, until January 22, 2009. Then, after two days of being in office, President Obama signed an executive order limiting the CIA to the traditional 19 interrogation methods, outlawing enhanced interrogation practices, essentially condemning them to be cruel and unusual punishment (Obama, 2009).

### *Current Interest: Government*

The above historical overview begs the question of why we would still take interest in something that has been officially prohibited. First, the Obama administration has not completely washed their hands of the issue. As recently as March of 2014, a Gitmo prisoner claimed to have been tortured on President Obama’s watch.

Additionally, approximately a year and a half ago, Senate democrats released a 6,300-page report detailing what they viewed to be the abuses of the CIA’s enhanced interrogations and secret detainment program. The initial release of the report tattered

remaining relationships between the nation's top intelligence agency and Congress. As officials work to create an official response to the report, many speculate that this debate would force a future 'day of reckoning,' where President Obama or future leaders will be pressured to take a stance, supporting one side. Furthermore, on April 3, 2014, the Senate intelligence committee voted in favor of declassifying this report. As a result of this vote, initially encouraged by President Obama himself, a 450-page summary and the 20 main findings or conclusions will be declassified and become available to the public. Many hope this will help increase transparency and demystify the continued governmental debate (Welna, 2014).

*Current Interest: Public Perceptions*

When seeking to understand torture, it is vital to understand the public's perception regarding the topic as their opinion can influence policy. However, determining the public's perceptions regarding enhanced interrogations is complicated and largely dependent on semantics. There is a fine line that exists between "enhanced interrogations" and "torture", as well as between "support" and "favor". While the general consensus in the media suggests that Americans did in fact support President Bush's decision to allow for the use of these severe interrogation techniques under the guise of utility, polls reveal that when Americans were directly asked about their attitudes, "not once during the eight years of the Bush administration was there an American majority in favor of the use of torture," (Gronke, 2010). However, the definition of 'torture' appears to be fluid, eliciting different reactions; Table 3 in Appendix F notes that 55% of the US population favored "harsh interrogation" because it eliminated the use of waterboarding and electric shock.

More recent data reflects the complexity of the issue. When surveying on "Aggressive Interrogation Tactics" rather than "Torture" in 2011, 42.8% of the population found the techniques justified, 42.1% of the population found them unjustified, while 6.3% reported that it depended (CBS News, 2011).

Varying reports, fluctuating statistics, and inconsistent diction surrounding the topic of interrogations point to a more significant point law professor Parry makes: popular culture is vital to the formation and reinforcement of attitudes.

"News reports tend to buttress the Administration's claims that we are in a war on terror, fail to discuss in any meaningful way the political issues that underlie



terrorism, and suggest that Islam is an extremist religion that is particularly well-suited to producing radical ideology and willing martyrs, who must be combated with extraordinary measures," (Parry, 2005, p. 284).

Generally, "when we try to understand torture, we also have to consider popular attitudes about it, including reactions to the images from Abu Ghraib, significant approval of domestic state violence, and relative indifference toward the excesses abroad in the war on terror," (Parry, 2005, p. 282).

Finally, a realistic understanding of the way politics and policy operate must be acknowledged. If the public supports an issue, a politician is motivated to support it as well. By doing so, politicians consequently gain the public's endorsement, confidence, and ultimately, their votes, which are necessary to keep politicians in power. Following this logic, the importance of understanding the public's opinion is underscored; it holds deep implications for politics and the stance our nation takes on terrorism.

### *Philosophies of Punishment*

To better understand the public's opinion of enhanced interrogations, it is important to note that psychologists Carlsmith and Sood found that enhanced interrogations were treated as a proxy for punishment (Carlsmith & Sood, 2009). As such, we must examine why people punish.

We will examine two main, contrasting moral philosophies of punishment. As the founder of utilitarianism, philosopher Jeremy Bentham suggests punishment should be determined by the costs and benefits it offers to society. The benefits the punishment serves to the greatest amount of people must outweigh any of the costs suffered by the target of the punishment. In our case, the benefits associated with interrogating the detainee must outweigh the cost of interrogating him. These costs can include both the resources necessary to conduct an interrogation and any potential suffering the detainee might endure. However, weighing all of these variables to decide if the benefits outweigh the costs of punishing requires a lot of cognitive resources. Individuals must be aware of all factors of the situation and carefully consider each before deciding to punish. This cost-benefit calculation largely dictates not only if the punishment, or interrogation, should be conducted, but also how severely. As such, utilitarianism is often connected to controlled, effortful, logical cognitive processes. These controlled processes allow individuals to

engage all mental resources necessary to weigh each factor and reach a decision regarding the choice to punish.

Conversely, Immanuel Kant proposes a retributive model of justice. Kant believes punishment gives the perpetrator what they deserve in proportion to their internal wickedness or moral blameworthiness (Kant, 1959). While the utilitarian cost-benefit analysis requires deliberate, systematic thinking, retributive motivations to punish are automatic (Carlsmith & Darley p. 215, 2008). The mediating process in the human mind is an inaccessible, intuitive one; a stimulus is presented and our brain naturally assesses the stimulus as either good or bad. If the evaluation of the stimulation declares it as bad, we are inclined to punish, and how bad we deem it to be determines how severely we punish.

“When respondents receive a scenario in which some person commits a known morally wrong action, respondents experience a reaction of moral outrage that is a substantial predictor of the relative punishments that will be assigned to the perpetrator of the immoral action,” (Carlsmith & Darley p. 211, 2008).

Existing research suggests that even when utilitarian processes are activated by the same stimulus, this reasoning rarely overrides the retributive instinct to punish (Carlsmith & Sood, 2009; Carlsmith 2006; Carlsmith & Darley, 2008; Darley, Carlsmith, & Robinson, 2000). Regardless, utilitarianism is continually cited as the justification for enhanced interrogations. Matthew Hannah’s work, which explored the treatment of detained ‘terrorists,’ explains that if the individual poses a high threat, torturous methods become justified “as a modality to extract life-saving information for the greater public good,” (Hannah, 2006; Hyndman, 2010). This specifically reflects utilitarian ideals. Though people often verbally state that utilitarianism dictates their desire to punish, research largely suggests that people’s preferences for punishment are actually dependent on retributive factors (Carlsmith, 2006; Carlsmith 2008; Carlsmith, Darley & Robinson, 2002; Glaeser & Sacerdote, 2000; Sunstein, 2003; Carlsmith & Sood, 2009). This is primarily because the label ‘terrorist’ evokes strong, automatic negative reactions. These reactions were strengthened following September 11, 2001. Thus, although individual’s can verbally justify interrogation practices on utilitarian terms, their initial decision to utilize them is often driven by the moral outrage they feel when they are considering ‘terrorists,’ or retribution.

### *Juvenile Justice*

Punishment is a complex concept, often applied differently when dealing with juveniles. Theories of juvenile delinquency suggest that juveniles are generally treated as distinct from adults in terms of blameworthiness. Juveniles are held less culpable than adults who have committed the same crime (Rattan, et al. 2012). Their decreased culpability is often attributed to juveniles' decreased development of key physical and psychosocial contributors (Cauffman & Steinber, 2000). For example, immaturity, increased vulnerability to coercion, and diminished decision-making capacities associated with juvenile status all serve as mitigating factors motivating juveniles' decreased criminal liability (Steinberg & Scott, 2003).

The importance of these differences in juveniles is most significantly reflected by the mere fact that the United States created a distinct juvenile justice system. This system, founded in 1899 on the principle of *parens patriae*, or the State as Parent, operated independently of our adult criminal justice system and granted courts the "right to intervene on behalf of youth deemed to be in need of help based on their life circumstances or their delinquent acts," (*Center on Juvenile and Criminal Justice, 2014*). Furthermore, America's juvenile justice system initially operated under the presumption that juveniles can reform as they mature if they are offered the chance and adequate support. For example, *Miller v. Alabama* not only decided that you couldn't sentence life without parole without a separate hearing, but the case emphasized that juveniles have diminished responsibility and room to reform (*Miller v. Alabama, 2012*). The decision of *Miller* was largely dependent on *Graham v. Florida*, a case that established that, "when compared to an adult murderer, a juvenile offender *who did not kill or intend to kill* has a twice diminished moral culpability," because, "compared to adults, juveniles have a lack of maturity and an underdeveloped sense of responsibility; they are more vulnerable or susceptible to negative influences and outside pressures, including peer pressure; and their characters are not as well formed," (*Graham v. Florida, 2010*). These cases illustrate the original dedication ideals of *parens patriae*, and to protecting our youth through a justice system that accounts for the realities encompassed by a juvenile status.

However, this original dedicated has recently been reexamined. The 1980s saw juvenile delinquency on the rise, and placed blame on a leniently operating juvenile justice system (*Center on Juvenile and Criminal Justice, 2014*). This sparked an immediate reaction of increased juvenile incarceration rates, even for minor offenses (*Center on Juvenile and Criminal Justice, 2014*). These patterns reflect the argument that previously held beliefs—juveniles possess reduced culpability and the ability to reform—have been eroding. Still, others reiterate that the option of imposing life sentences without parole on juveniles inherently contradicts the ideals of *parens patriae*, suggesting some juveniles are incorrigible (Christensen, 2013, 137). The current research might reflect these proposed patterns of change to the American juvenile justice system. Additionally, results might offer insight to the public opinion's regarding how the American juvenile justice system should be operating.

#### *Juveniles and the "War on Terror"*

Literature examining juvenile justice and modern terrorism supports four key points when considering juveniles and their role in the "War on Terror". Firstly, reports suggest that juveniles have played active roles in extremist Muslim groups. It is known that high rates of urbanization occurred as the Middle East industrialized, increasing juvenile crime rates in large city centers (El Aougi, 1965, 21-22). Youths were vulnerable in the new disorganized setting and, as Kobrin describes, often sought association in peer groups. Al Qaeda or the Taliban were some of the peer groups in which these young men found themselves entangled.

Additionally, juveniles' initial enthusiasm can be partially credited for the Taliban's continued existence. Contrary to popular belief, the Muslim world did not unanimously band together in support of bin Laden and his bellicose organization following the World Trade Center attacks and President Bush's declaration of the "War on Terror" (Kepel, X). The majority of the Muslim world faced the task of "dissociat[ing] themselves from Al Qaeda, from the attacks on the US and from the Taliban, while at the same time finding an outlet for the anger of an increasingly radical Muslim youth," (Kepel, XII). However, no such acceptable outlet had been found, leaving radical youths to be engulfed by extremism, and arguably, responsible for the survival of the jihad thus far.

Furthermore, besides accounts and analyses of the presence of child soldiers in the “War on Terror” (Hyndman, 2010), evidence of juvenile detainment from Guantanamo Bay exists. Melissa Jamison studied Guantanamo and examined the treatment of adolescents age 17-18 in adult detainment camps and adolescents who fit the legal definition of a juvenile, under the age of 16, in separate camps (Jamison, 136).

If under the age of 16, detainees are held in a separate camp at Guantanamo Bay, Camp Iguana, which aimed “to provide a ‘semblance of normal life’” by providing larger, apartment-style rooms, a facility that enables the young men to see the ocean, and amenities like air-conditioning, bathrooms, television, and games (Jamison, 137). Additionally, they were allowed daily showers along with academic and religious education and therapy sessions. However, with those safeguards in place, the juvenile detainees were still subject to interrogations (Jamison, 137-138).

If over the age of 16, detainees are subject to conditions paralleling United States supermax prisons. They are subject to “cells measuring six feet, eight inches by eight feet for all but two 20-minute exercise breaks per week, constant illumination from flood lights that reflect into their cells 24 hours a day, and required shackling whenever detainees leave their cells,” (Jamison, 134). Additionally, severe infringements on basic daily activities occur in these conditions. Examples of such infringements include minimal bathing and bartering food for actionable intelligence. Lastly, there is no definitive answer as to how long they are subject to detainment and interrogation (Jamison, 135).

Beyond this information, there is little insight into the public’s perception of juveniles or the public’s awareness of their detainment. My research seeks to provide insight on the general U.S. populations’ attitudes towards juvenile terrorists by examining the treatment of detainees of different ages.

## **Research Questions & Anticipated Findings**

### *Research Questions*

This research currently seeks to examine two questions. First, based on the literature and the original research conducted by Carlsmith and Sood, I will ask whether retributive factors or utilitarian factors motivate the public's support for the use of enhanced interrogation methods.

Secondly, I will examine the effects of juvenile status on the severity of the assigned levels of interrogation and punishment. Specifically, I will ask whether the age of the detainee affects the observed results and, if so, in what way?

### *Anticipated Findings*

Firstly, I predict the replication of the results originally obtained by Carlsmith and Sood. Specifically, I believe enhanced interrogations will once again be treated as a proxy for punishment. In support of this claim, I believe that the two main dependent variables of interest, the severity of assigned interrogation and punishment levels, will be highly correlated.

Both retributive and utilitarian factors will be found to affect these outcomes. Furthermore, I predict that retributive factors will primarily drive assigned levels of interrogation and punishment. In the original study, this conclusion was supported by the failure of perceived interrogation effectiveness (a utilitarian factor) to mediate the relationship between the detainee's presumed knowledge of actionable intelligence and interrogation/punishment levels.

In response to my second research question, I predict that the age of the juvenile will in fact affect the observed results of the severity of assigned interrogation and punishment levels. Specifically, I predict that participants in the guilty condition will generally perceive juveniles to be just as culpable as a detained adult. Interrogators often operate under a presumption of guilt. President Joseph Buckley of Reid and Associates, in charge of the Reid manual on guidelines to conduct interrogations, states, "we don't interrogate innocent people," (Plaut, 11/05/2013). I predict participants will be operating under the same presumption; as such, they will perceive the guilty juvenile as culpable and threatening, thus deserving of harsh interrogation methods. This prediction also supports

the existing research that suggests moderating psychological processes, such as retributive motives, override details like age when deciding whether or not to punish. As such, in the guilty condition, the guilty factor will dictate participants' motivation to punish and override any attention given to the age manipulation that would otherwise motivate participants to treat the juvenile detainee as less morally culpable and less deserving of harsher levels of interrogation.

Conversely, I predict that participants in the innocent condition will generally perceive juveniles to be less culpable than a detained adult, and thus deserving of less severe interrogation and punishment levels. The innocent condition removes the intensity of retributive motivations, removing the factor that overrides the age manipulation. By allowing participants to attend to the age manipulation, they will likely assign lower interrogation levels to innocent juveniles versus innocent adults.

## Methodology

### *Participants*

It should first be noted that the methodology for this experiment was largely decided based on the goal of replicating Carlsmith and Sood's original research. Data were collected through an anonymous online survey. The sample was drawn from a population of online participants from Amazon Mechanical Turk (MTurk). Participants of all racial/ethnic and gender groups were eligible to participate. Participants were required to be fluent in the English language. Persons were required to be at least 18 years of age to sign up as a worker on MTurk.

Our sample was a broadly representative sample of adults that included 283 participants. Our sample of 283 participants was 60.6% male ( $N=171$ ) and 38.5% female ( $N=109$ ) and 0.09% ( $N=3$ ) identified as other. Of the 283 participants, 23% ( $N=65$ ) participants reported having some sort of military affiliation. 14.1% ( $N=40$ ) of participants self-identified as Republican, with 48.1% ( $N=136$ ) self-identifying as Democrat, and 33.2% ( $N=94$ ) as Independent. The majority of the sample was White (82%,  $N=232$ ). The next largest ethnic categories were Black or African American (7.4%,  $N=21$ ) and Asian or Asian American (5.7%,  $N=16$ ). Finally, 5% ( $N=13$ ) of participants identified as Latino or Hispanic, and no participants identified as Native Hawaiian or Other Pacific Islander, Persons of Middle East or Arab Descent, or Other.

Additional demographic measures included education level, current employment status, and annual household income. The majority of participants fell into the following categories for those measures: 69.2% ( $N=196$ ) of participants reported having completed some college or having a Bachelors or four-year degree (B.A. or B.S.), as being full- or part-time employed (64%,  $N=181$ ), and having a household annual income less than or equal to \$50,000 (61.1%,  $N=173$ ).

The HIT (Human Intelligence Task) was posted to the MTurk site, where a brief description of the task was provided. Information about the approximate completion time for the study and the offered compensation were provided in the posting. Interested and qualified persons clicked on the study link to participate. The description title posted to the MTurk site stated: "You will be asked to provide judgments regarding interrogation



policies." The narrative description read: "The purpose of this study is to learn about public perception and people's judgments regarding interrogation policies. If you agree to participate, you will be asked to complete a survey designed to measure people's judgments given a set of political facts. Completing the survey should take approximately 10-15 minutes."

In exchange for their participation in the study, workers on MTurk received \$1.00. This amount was consistent with what other social science questionnaires or studies of similar length on MTurk offer. The Mechanical Turk service administered payment to participants through an Amazon Payments account set up by the worker. Thus, no payment information was collected. After the completed HIT was approved, the money was deposited into the workers account. Recruitment took place in April 2014.

### *Procedure*

Participants completed an anonymous online experiment. The first page was a consent form that reviewed the purpose, procedures, benefits, risks, compensation, and confidentiality measures of the experiment. By clicking the provided "Agree" button, participants indicated their consent and were randomly assigned to one of the eight possible conditions. The next page was a general page of instructions. The subsequent pages included vignettes and corresponding survey questions with measures relevant to our research questions and demographic information. For the exact wording of all consent, debriefing, and instruction forms, please refer to Appendices A, B & E.

### *Materials*

All consenting participants received a vignette describing Ahmad Farid, an Afghani detained by US and Coalition forces on suspicion of terrorist activities. At the time of capture, Ahmad Farid was tending to his herd of goats.

The vignettes contained the three manipulated independent variables of age, history of prior bad acts, and the likelihood Ahmad contained valuable intelligence. Each independent variable contained two levels, resulting in the 2x2x2 design with eight conditions.

### *Independent Variables*

**Age.** The first paragraph of the vignette describing the situation presented the detainee's age. The two levels for the age condition were juvenile and adult, represented by

a 15-year-old or 26-year-old detainee. Age was manipulated due to our interest in examining the effects of juvenile status on the public's desire to punish.

**Guilt.** Next, Ahmad's history of prior bad acts, or the guilt manipulation was presented. The two levels for the guilt condition were guilty and innocent. Participants in the guilty condition were presented with a paragraph detailing Ahmad Farid's prior connections to extremist Muslim groups and his involvement in attacks that had killed four US Marines. Participants in the innocent condition did not receive any additional information about Ahmad or his past. This manipulation of guilt is intended as a proxy for retributive motives for punishment.

**Knowledge.** Finally, the third paragraph of the vignette contained the manipulation of knowledge. It was stated that,

"Ahmad Farid claims to have no direct knowledge of the insurgents, their plans, their routes or anything remotely useful to the Coalition Forces. He has stated this repeatedly, but his questioners feel that he has some useful information. Based on the experience of thousands of prior interrogations, there is a **5%/95%** chance that Ahmad Farid is actually withholding information that might prevent lethal attacks on soldiers or innocent civilians."

This manipulation of knowledge is a proxy for utilitarian motives for punishment. For exact wording of each vignette, please refer to Appendix C.

#### *Dependent Variables*

The main dependent variables included interrogation and punishment severity levels.

**Interrogation severity.** After reading the vignette, participants assigned Ahmad Farid a level of interrogation based on the provided information. The level of interrogation assigned was on a 13-point scale, with 1 representing "Extremely Mild" and 13 representing "Extremely Severe".

**Punishment and punishment severity.** Next, participants were asked if Ahmad Farid deserved to be punished in a dichotomous yes/no question format. If participants responded yes, they were asked to assign a level of punishment severity based on a 7-point scale, with 1 representing "Not at All" and 7 representing "Extremely Severe". For exact wording of each question and corresponding measures, please reference Appendix D.

*Mediators and Other Measures*

Other measures of interest included participants' perceptions of Ahmad as a moral or immoral person and perceptions of the effectiveness of the interrogation methods.

**Moral Status.** Perceived moral status of the detainee is a proposed mediator for the predicted relationship between the guilt of the detainee and the assigned interrogation and punishment levels. Perceived moral status is also a proxy for retributive motives of punishment and thus connected to automatic cognitive processes.

**Perceived effectiveness.** The perceived effectiveness of the interrogation methods is a proposed mediator for the predicted relationship between the likelihood the detainee possess valuable knowledge and the assigned interrogation and punishment levels. The measure for perceived effectiveness of the interrogation methods was analyzed as a composite of a three-item scale ( $\alpha = .86$ ). Perceived effectiveness of the interrogation methods is also a proxy for utilitarian motives of punishment and thus connected to effortful, logical cognitive processes.

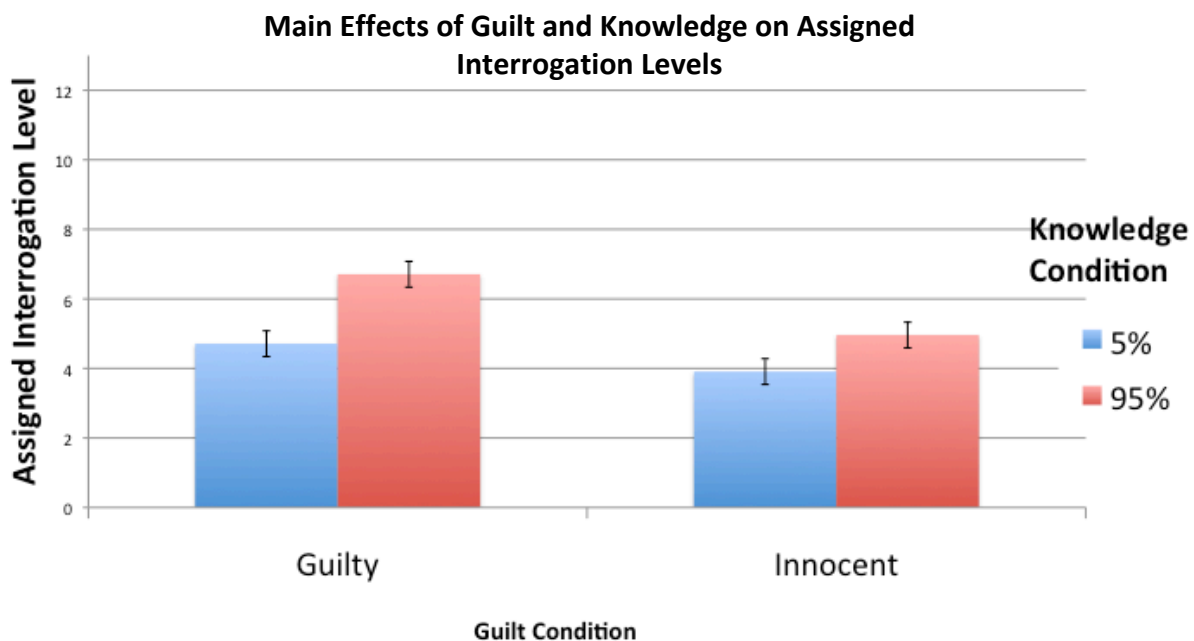
**Other items.** Additionally, participants reported their current level of support for the "War on Terror," how closely they follow the news regarding the War in Afghanistan, the suspected purpose of this experiment, how warmly they feel towards thirteen specific social groups (including Arab-Muslims), their general attitudes regarding topics such as interrogations, torture, and juveniles' criminal liability, and demographic information. Some examples of demographic information include residency status, age, military affiliation and political party affiliation. For the complete list of survey questions and their exact wording, please refer to Appendix D.

## Results

### *Interrogation Severity*

As hypothesized, the assigned severity of interrogation depended on both retributive and utilitarian factors. That is to say, both Ahmad Farid's history of bad acts and presumed knowledge significantly affected participants' recommended severity level.

A two-way Analysis of Variance (ANOVA) revealed two main effects, Knowledge:  $F(1,275)=16.8, p<.01$ ; Guilt:  $F(1,275)=11.77, p<.01$ . There was no interaction between these two variables. Fig. 1 shows an increase in the assigned severity of interrogation level as the likelihood that Ahmad possessed valuable intelligence that would prevent future lethal attacks increased from a 5% chance to a 95% chance. The effect of Ahmad's guilt, or history of prior bad acts is also apparent in Fig. 1. Participants assigned harsher interrogation levels when Farid was stated to be guilty of prior connections to terrorist organizations and linked to the death of US Marines ( $M = 5.70, SD= 3.3$ ) than when he was perceived to be innocent ( $M = 4.43, SD= 3.17$ ).



**Fig. 1.** Recommended interrogation severity by Guilt and Likelihood of Knowledge. Error bars are standard error. Knowledge:  $F(1,275)=16.80, p<.01$ ; Guilt:  $F(1,275)=11.77, p<.01$ .

### *Punishment Severity*

As hypothesized, participants largely treated punishment and enhanced interrogations as isomorphic. The two were highly correlated ( $r=.63$ ), however they continued to be analyzed separately for consistency with Carlsmith and Sood's analysis procedures.

As such, the aforementioned pattern of results for interrogation severity follows for punishment severity, with both retributive and utilitarian factors at play. As before, a two-way ANOVA revealed two main effects, Knowledge:  $F(1,275)=4.75, p<.05$ ; Guilt:  $F(1,275)=71.1, p<.01$ . There was no interaction. The assigned severity of punishment level increased as the likelihood that Ahmad possessed valuable intelligence that would prevent future lethal attacks increased. The chance increased from 5% to 95%. The effect of Ahmad's guilt, or history of prior bad acts that was apparent in Fig. 1 occurs once again for punishment levels. Participants assigned harsher punishment levels when Farid was stated to be guilty of prior connections to terrorist organizations and linked to the death of US Marines ( $M = 3.64, SD= 1.99$ ) than when he was perceived to be innocent ( $M = 1.87, SD= 1.53$ ).

Finally, following the analyses procedures from Carlsmith and Sood, the two dependent measures were entered into a three-way mixed-model ANOVA, with the between-subject variables being Knowledge and Guilt. As expected, and replicating the original work, both assigned interrogation and punishment levels exhibited main effects for between-subject variables (Guilt:  $F(1, 275)= 33.49, p<.001$ ; Knowledge:  $F(1, 275)= 14.13, p<.001$ ), with no interactions across any of the variable combinations.

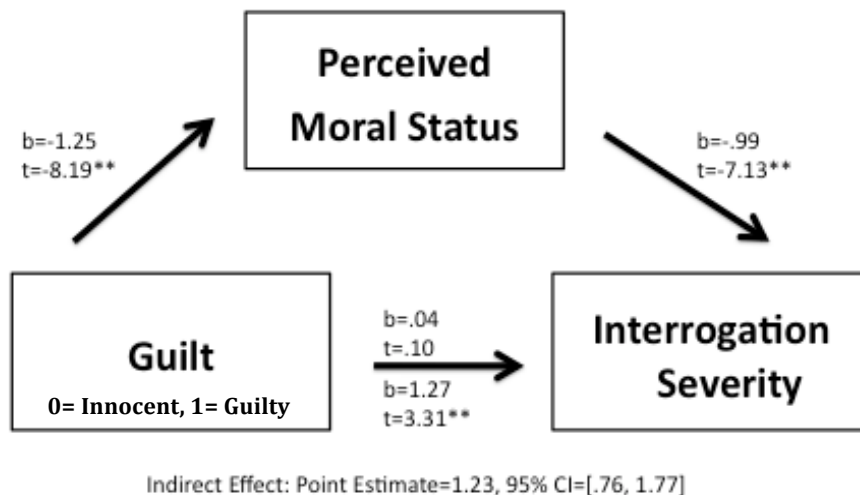
### *Mediating Role of Target's Perceived Moral Status on Interrogation Severity*

Perceived moral status was a proposed mediator for the relationship between Ahmad's history of prior bad acts and assigned interrogation levels. This was hypothesized based on the literature that suggests retributive justice is contingent on a history of prior bad acts, largely driven by an individual's moral outrage towards those acts. To the extent interrogation serves as a proxy for punishment, a person's poor moral status, as determined by prior bad acts, should lead to harsher interrogation levels.

The expected relationship between guilt and moral status was observed. Accordingly, "innocent" Ahmad was rated as more moral than "guilty" Ahmad,  $M=4.18$

(1.32) vs. 2.93 (1.24),  $t(283) = -30.1, p < .000$ . Additionally, Ahmad Farid's moral status was significantly related to the recommended levels of interrogation and punishment  $t(283), p < .001$ .

Using the INDIRECT SPSS macro (Preacher & Hayes, 2008), we conducted a mediation analysis with 1,000 bootstrap resamples. From this procedure we can gauge the mediator's indirect effect size and obtain a 95% confidence interval. If zero falls outside the confidence interval, we can consider the mediation pathway significant. The mediation analysis found that when controlling for perceived moral status, the original effect of guilt on interrogation severity was statistically eliminated, and that the indirect effect of moral status was significant. That is to say, Ahmad Farid's perceived moral status, as influenced by his guilt or innocence, helps to explain the effect of guilt on interrogation severity. Fig. 2 outlines this relationship of Ahmad Farid's guilt, mediated by his perceived moral status, on interrogation severity.



**Fig. 2.** Mediation model showing the effect of Guilt on assigned Interrogation Severity, as mediated by perceived Moral Status. **The betas are unstandardized regression coefficients.** Symbols indicate the significance level of coefficients (\* $p \leq .05$ , \*\* $p \leq .01$ ). Along the lower path, the values above the arrow show the direct effect of Guilt on Interrogation Severity, and the values below the arrow show total effect.

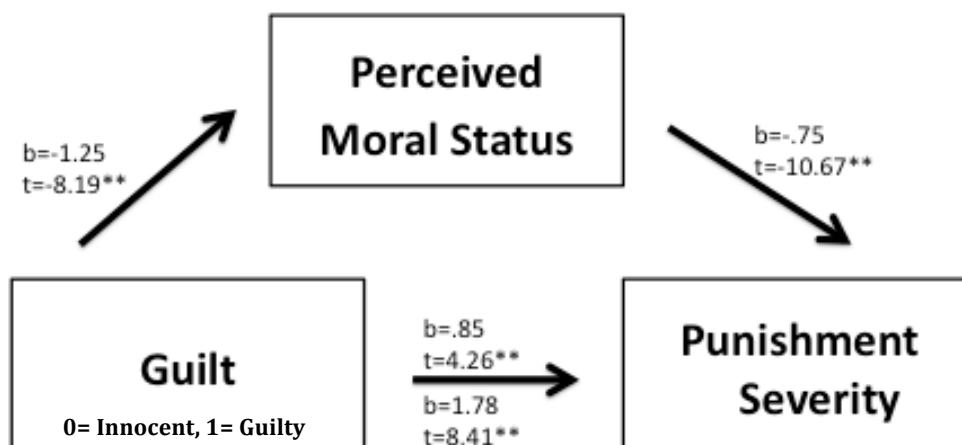
### *Mediating Role of Target's Perceived Moral Status on Punishment Severity*

The correlation between assigned interrogation severity levels and assigned punishment severity levels suggests that participants use similar decision making processes for both. As such, perceived moral status was also a proposed mediator for the relationship between Ahmad's history of prior bad acts and assigned punishment levels, supported by the same literature regarding retributive justice and moral blameworthiness.

As described above (see Fig. 1), a "guilty" Ahmad received more severe punishment levels than an "innocent" Ahmad. Additionally, Ahmad Farid's moral status was significantly related to the recommended levels of punishment  $t(283) = 4.34, p < .000$ .

A bootstrap mediation analysis once again found a significant indirect effect of perceived moral status on the relationship of guilt to punishment severity. That is to say, Ahmad Farid's perceived moral status helps to explain the effect of guilt on punishment. Fig. 3 outlines this relationship of Ahmad Farid's guilt, mediated by his perceived moral status, on punishment severity.

However, you will notice in Fig. 3 that when perceived moral status is controlled for, the original relationship between guilt and punishment severity is still significant. This suggests that we most likely have not identified the primary mediator of interest.



Indirect Effect: Point Estimate=.93, 95% CI=[.71, 1.25]

**Fig. 3.** Mediation model showing the main effect of Guilt on the assigned Punishment Severity, as mediated by perceived Moral Status. **The betas are unstandardized regression coefficients.** Symbols indicate the significance level of coefficients ( $*p \leq .05$ ,  $**p \leq .01$ ). Along the lower path, the values above the arrow show the direct effect of Guilt on Punishment Severity, and the values below the arrow show total effect.

### *Mediating Role of the Perceived Effectiveness of Interrogations*

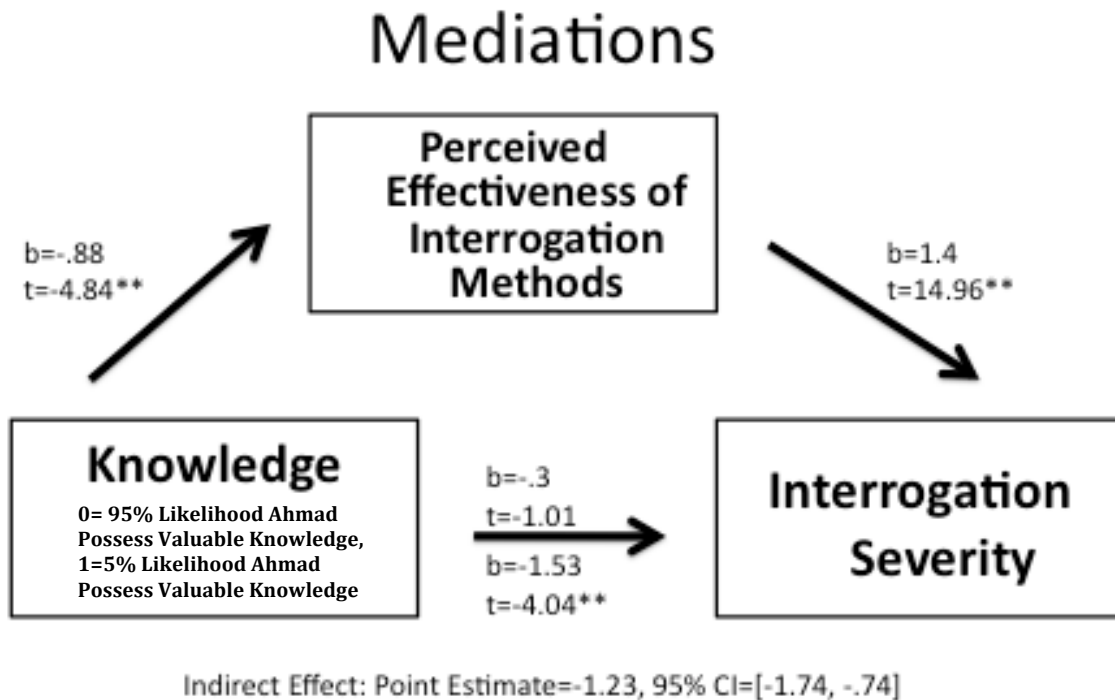
Perceived effectiveness of interrogation methods was a proposed mediator for the expected relationship between the likelihood Ahmad possessed valuable knowledge and assigned interrogation and punishment levels. This was hypothesized based on the literature that suggests utilitarian justice is contingent on controlled, logical processing that weighs the potential benefits (here, obtaining valuable knowledge) against the costs of harsh interrogation methods.

The expected relationship between knowledge and assigned interrogation and punishment levels was observed, as shown by the main effect of knowledge on interrogation and punishment levels (See above; Fig. 1). That is to say that Ahmad received more severe interrogation and punishment levels as the likelihood that he possessed actionable intelligence increased from 5% to 95%. The amount of knowledge attributed to Ahmad also increased the perceived effectiveness of the interrogation methods,  $t(283) = -32.25, p < .000$ . Additionally, the perceived effectiveness of the interrogation methods was significantly related to the recommended levels of interrogation and punishment (Interrogation:  $t(283) = -7.63, p < .000$ ; Punishment:  $t(283) = 11.12, p < .000$ ).

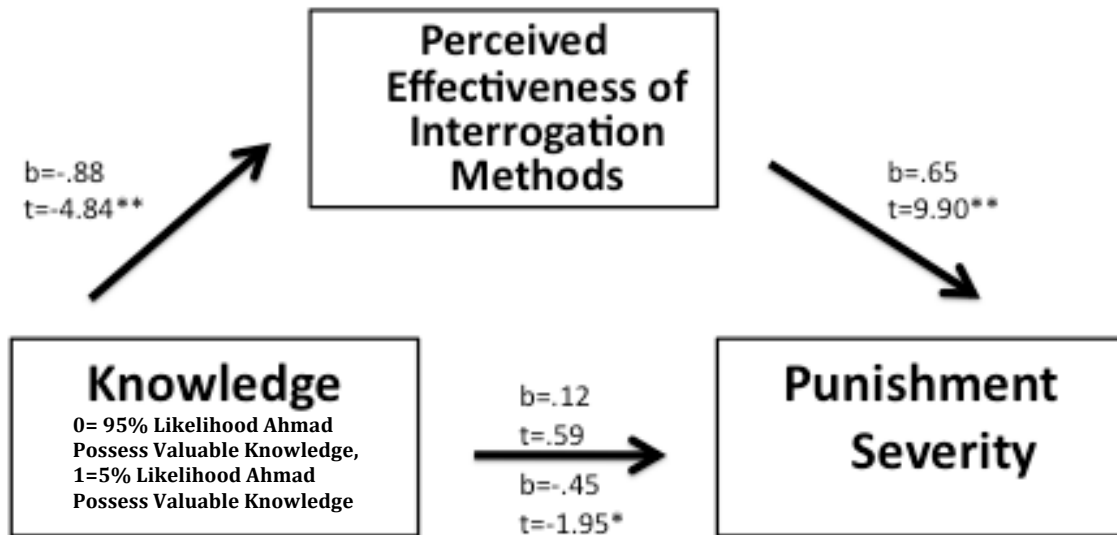
A bootstrap mediation analysis found that when controlling for perceived effectiveness of interrogation methods, the original effect of knowledge on interrogation and punishment severity is statistically eliminated, and the indirect effect of perceived interrogation effectiveness is significant. That is to say, when Ahmad Farid's knowledge increases, the interrogation methods are perceived to be more effective, and thus results in increased interrogation and punishment levels. Figures 4 and 5 outline the relationships of Ahmad Farid's knowledge, mediated by the perceived effectiveness of interrogation methods, on interrogation severity and punishment severity.

Importantly, it should be noted that Carlsmith and Sood did not originally observe this mediation.





**Fig. 4.** Mediation model showing the main effect of Knowledge on the assigned Interrogation Severity, as mediated by the perceived effectiveness of the interrogation methods. **The betas are unstandardized regression coefficients.** Symbols indicate the significance level of coefficients ( $*p \leq .05$ ,  $**p \leq .01$ ). Along the lower path, the values above the arrow show the direct effect of Knowledge on Interrogation Severity, and the values below the arrow show total effect.



**Fig. 5.** Mediation model showing the main effect of Knowledge on the assigned Punishment Severity, as mediated by the perceived effectiveness of the interrogation methods. **The betas are unstandardized regression coefficients.** Symbols indicate the significance level of coefficients ( $*p \leq .05$ ,  $**p \leq .01$ ). Along the lower path, the values above the arrow show the direct effect of Knowledge on Punishment Severity, and the values below the arrow show total effect.

### *Effect of Age on Observed Results*

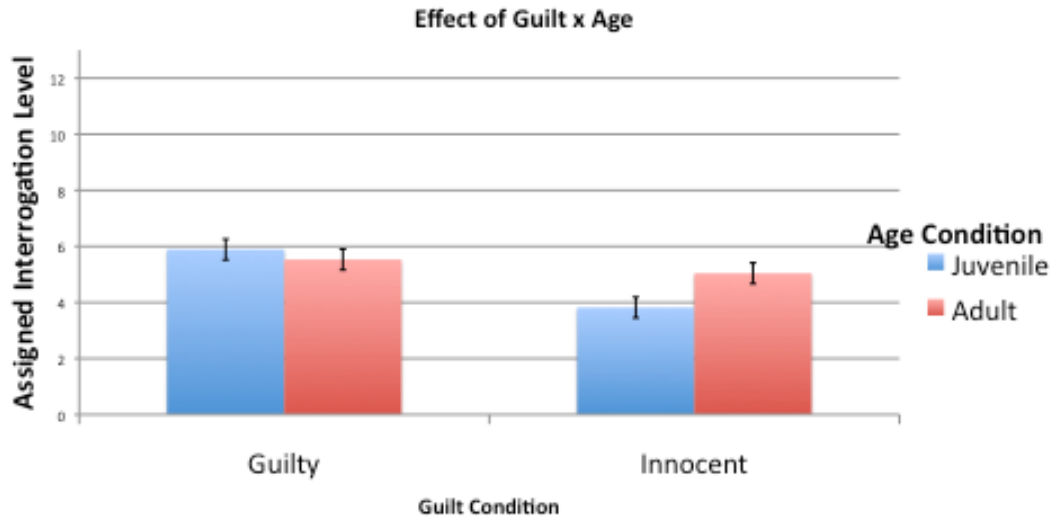
As hypothesized, age did affect the observed results. Age alone did not produce a main effect. However there was a significant interaction of age and guilt on the assigned severity of interrogation levels. The pattern of results supports my prediction that guilty juveniles were perceived to be as culpable as guilty adults, whereas innocent juveniles were assigned significantly less severe interrogations than innocent adults.

Fig. 6 illustrates that juveniles and adults in the guilty condition are receiving equally harsh interrogation levels. However, in the innocent condition, juveniles are assigned interrogation levels significantly lower than their adult counterparts.

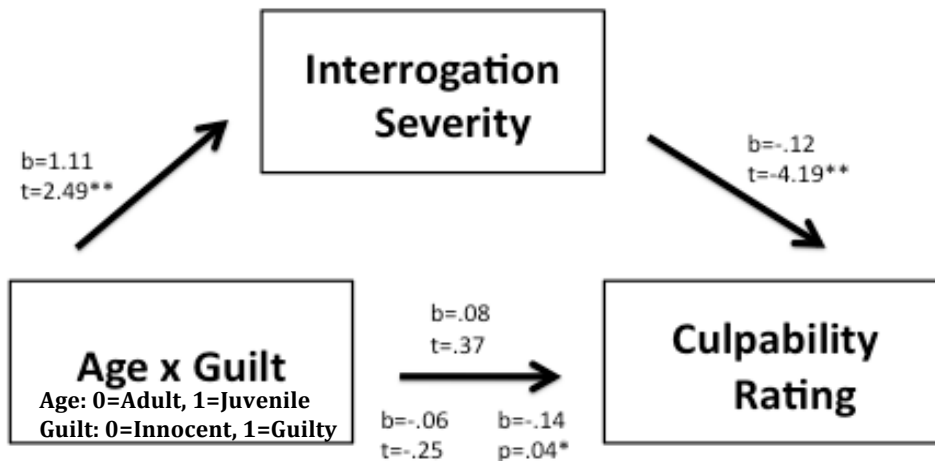
It should be noted that this pattern was not observed with regard to assigned punishment levels. Further analyses are being conducted in an attempt to understand this pattern. Initial results suggest that a floor effect might be occurring for punishment; essentially the public does not want to punish in the innocent condition.

Additionally, possible mediators are being explored to explain the interaction between juvenile status and guilt. Intuitively, it would be expected that belief in juveniles' decreased culpability would help explain this observed relationship. However, the bootstrap mediation analysis does not support this claim. Rather, it seems that assigned interrogation levels appear to mediate the effect of age x guilt on participant's culpability ratings. Fig. 7 illustrates this proposed moderated mediation model. This model illustrates the significant indirect effect participants' interrogation severity ratings have on their reported culpability ratings with the reported p-value.

## Effect of Age on Interrogation Level Depends on Guilt



**Fig. 6.** Recommended interrogation severity by Guilt and Age. Error bars are standard error. Guilty \* Juvenile:  $F(1,275)=4.515, p<.05$

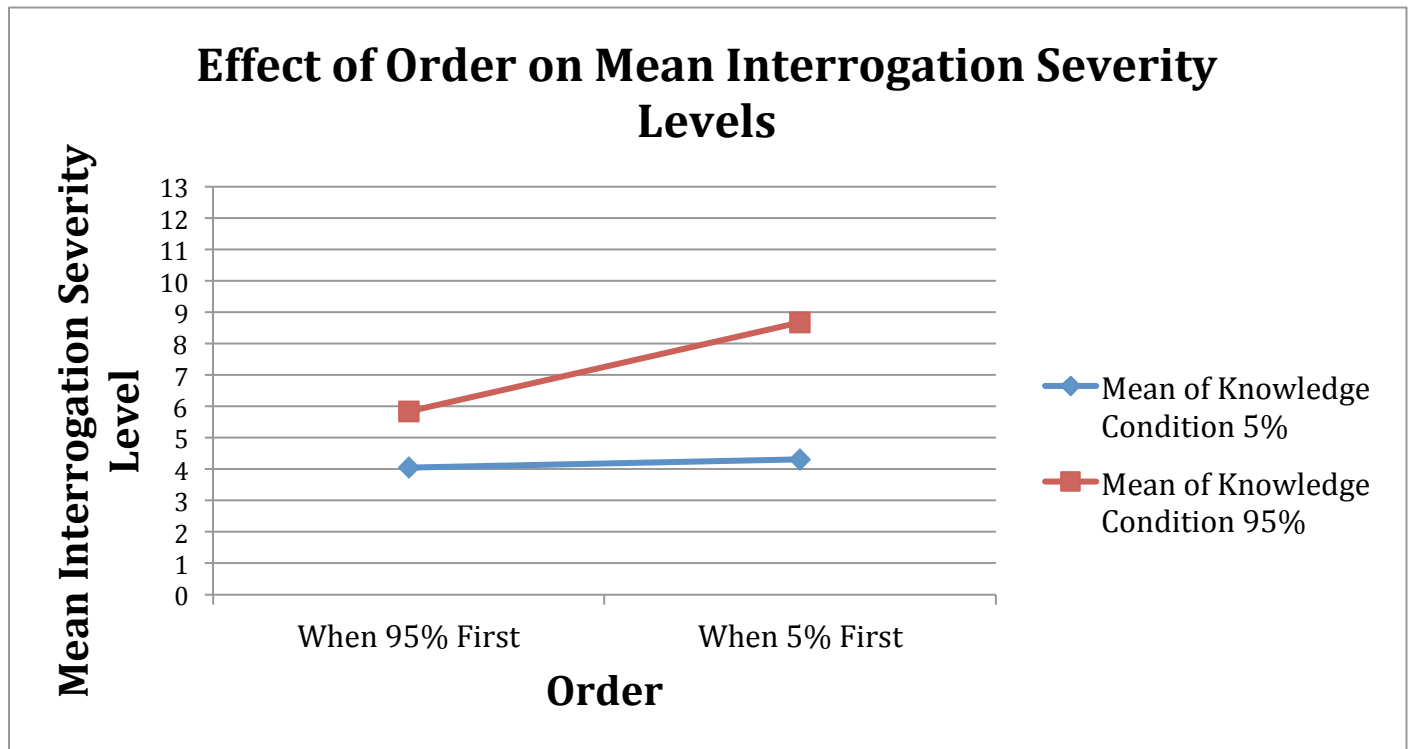


**Fig. 7.** Mediation model showing the interaction of Age x Guilt on the Culpability Rating of juveniles, as mediated by the assigned Interrogation Severity. **The betas are unstandardized regression coefficients.** Symbols indicate the significance level of coefficients ( $*p \leq .05$ ,  $**p \leq .01$ ). Along the lower path, the values above the arrow show the direct effect of Age x Guilt on Culpability Rating, and the values below the arrow show total effect. **The second box reporting  $p$  shows the significant indirect effect.**

*Repeated Measures of Knowledge Variable*

As done in the original study to better understand the role knowledge was playing, I included a within-subjects knowledge variable question. This simply means that even if participants were originally assigned to the 95% knowledge condition, later on in the survey they were asked to assume there was actually a 5% chance Ahmad possessed valuable intelligence, and then asked to assign an interrogation level based on that assumption. These results were examined in a repeated measures mixed model, and an order effect was observed. This appears to replicate the original research results.

The pattern shows that participants who received the 5% knowledge condition first increased their interrogation level significantly for the within-subjects question that stated Ahmad contained a 95% chance of possessing actionable intelligence. This pattern was not seen for participants who received the 95% knowledge condition first. That is to say that though participants originally in the 95% condition did assign lower interrogation levels for the within-subjects questions that stated Ahmad contained a 5% chance of possessing actionable intelligence, it was not a significant difference. Fig. 8 illustrates this relationship.



**Fig. 8.** Illustrates the effect of Order on assigned interrogation severity levels.  $F(1, 279)=21.00, p \leq .01$ .

#### *Political Affiliation and Other Demographics*

Finally, demographic information and our additional measures were analyzed, searching for any potential variables that might be interacting with the main effects. These factors included, but were not limited to, warmth measures and demographic factors such as age, gender, race, citizenship status, employment status, support for the “War on Terror”, and political party affiliation.

Directly replicating some minor findings from Carlsmith and Sood, participants’ support for the “War on Terror” correlated with their assigned interrogation levels ( $r(281)= .304, p < .01$ ).

However, two main demographic differences between the original sample of participants and this current sample should be noted. First, the reported median age in the original study was 42 years old, while my sample’s median age was 28 years old. Second, the breakdown of self-reported political party affiliation varied greatly. In my sample,

14.1% of participants self-identified as Republicans, 48.1% as Democrats, and 33.2% as Independents. This contrasts with Carlsmith and Sood's sample, in which 30% of participants self-identified as Republicans, 29% as Democrats, and 41% as Independents.

This is an important limitation of the current work. Carlsmith and Sood originally included political party in a 3-way between-subjects ANOVA. The independent variables were guilt and knowledge, while the assigned interrogation level was the dependent variable. The results were marginally significant. Unfortunately, due to the limited number of Republicans in my sample, I was unable to conduct the same analyses; this is a point of exploration for future research. Additionally, other variables that were not central to the main hypotheses are currently being analyzed. Examples of such variables include reported warmth scale ratings.

## Discussion

To summarize, three major results replicated Carlsmith and Sood's original findings. First, the manipulation of guilt significantly affected the severity of the assigned interrogation and punishment levels. Second, the manipulation of knowledge significantly affected the severity of the assigned interrogation and punishment levels. Third, it was found that the main effect of guilt was mediated by the detainee's perceived moral status.

Additionally, there are two noteworthy new results. First, age was found to affect the observed results. However, the effect of age was dependent on the interaction of age and guilt. Second, it was found that the main effect of knowledge was mediated by the perceived effectiveness of the interrogation methods.

These results support the aforementioned hypotheses that both retributive and utilitarian factors motivate the public's support for the use of enhanced interrogations and that age would significantly affect the results.

This suggests that Carlsmith and Sood's results are in fact robust over time. However, I propose that the newly observed mediation of knowledge by the perceived effectiveness of the interrogations offers deeper insight to the role time has played. I believe that now, thirteen years after the attacks of September 11<sup>th</sup> and six years after the original research was conducted, the retributive processing is no longer as automatic or passionate for participants. This could be due to an emotional distancing from the situation, the lack of priming from the media, the lack of awareness regarding these issues, or a sense of moral outrage or responsibility directed at interrogation methods and their use by the U.S. following the exposure of Abu Ghraib. My decreased median age of participants would support the latter as a plausible explanation. Regardless, this allows participants to allocate more cognitive resources to the effortful, logical processing involved in utilitarianism, which would account for factors such as the perceived effectiveness of the interrogation methods.

Additionally, I feel that it is valuable to note that in both the original research and current research, mean levels of interrogations never exceed a rating of 9 on a 13-point scale, with higher ratings corresponding to harsher levels of interrogation (13=extremely severe, defined as ""aversive, degrading, painful, and in some cases cause permanent



physical and psychological scars". I propose this might suggest that there is a universal threshold, holding constant over time, that the public is generally uncomfortable crossing when dealing with topics of torture.

Finally, as first suggested by Carlsmith and Sood, these results hold implications regarding current retributive justice debates broadly, and for the society that condones harsh interrogations (Carlsmith & Sood, 2009, p. 6). It must be acknowledged that though utilitarian factors do play a role in motivating the public's support for harsh interrogation methods, so do retributive factors. Utilitarianism largely dominates the discourse, ignoring the reality that retributive factors consistently play a role in motivating the public's support for these methods.

These results can be directly applied to questions of the public's support for other retributive justice debates, including the death penalty, preemptive war, and post-sentence civil commitment of sexual offenders (Carlsmith & Sood, 2009; Ellsworth & Ross, 1983; Carlsmith et al., 2007; Liberman, 2006). For example, the discussion regarding the death penalty might be shaped differently based on these research findings. Huffington Post released an article on May 5, 2014, titled, "Painfully Botched Executions Don't Shake Broad support for the Death Penalty," (Swanson, 2014). The article reports that approximately 65% of Americans support the use of the Death Penalty for convicted murderers, however Americans also claim that those condemned to death should not suffer unnecessarily (Swanson, 2014). The caveat that Americans don't want individuals being subjected to the death penalty to suffer speaks to the aforementioned utilitarian philosophy of punishment. At a certain point, the criminal's suffering outweighs the benefits offered by their execution. So why would Americans still support such practices? Especially in light of several recent cases where executions have not been administered properly? My results might suggest that the strong, automatic response associated with the label of 'convicted murderer' triggers retributive motives of punishment and explains American's continued support for the death penalty.

A society that condones harsh interrogations directly impacts the political climate of said society. As Carlsmith and Sood cite, Moghaddam (2007, p. 439) argues that during times of crises, when a society faces increased threat and intergroup conflict, "political leaders may 'gain popularity by positioning themselves as being 'tough on terror' and

willing to endorse harsh interrogation techniques,” (Carlsmith & Sood, 2009). However, we may currently argue the antithesis; President Obama immediately gained the nation’s support by ‘ending’ enhanced interrogation programs because the country passionately condoned such methods as the truths of what they entailed were revealed. This points to the larger point that the United State’s stance on controversial topics like torture can be manipulated by the public’s opinion. This underscores the importance of understanding the psychological truths behind those opinions, supported by empirical evidence.

Finally, the results regarding juveniles are of particular interest. The fact that we choose to treat guilty juveniles the same as guilty adults suggests that retribution becomes the primary motivation for punishing by way of interrogations. This reflects that there is a limit to America’s dedication to a separate juvenile justice system, one that recognizes their decreased culpability and room to reform. It appears that the public’s dedication to protecting juveniles does not extend to international juveniles labeled as ‘terrorists’. More broadly, it might even speak to the aforementioned current overall pattern of a decreased desire to reform rather than punish juveniles (*Center on Juvenile and Criminal Justice, 2014; Christensen, 2013, 137-140*).

The concept of labeling is worth exploring as well. The American juvenile justice system went through a complete transformation once it recognized the issues that arise from labeling offenders, such as prejudices that prevent future employment. It would be interesting to see if the same results emerge if the ‘guilty juvenile’ Ahmad Farid were not labeled as a suspected terrorist.

Additionally, it should be noted that though innocent juveniles were being punished less severely than innocent adults, an overall floor effect might partially explain these results.

## Future Research

Future analyses are currently being conducted to examine the additional measures I collected data on. Once again, these measures include demographic information, warmth measures, and general attitude measures regarding topics like interrogations, torture, and the perceived culpability of juveniles.

Additionally, it would be valuable to examine the original results and these results and explore other possible explanations for the observed effects as well as potential confounds. Carlsmith and Sood cite the cross effect of assuming a “guilty” detainee possesses more knowledge than what is actually stated as a potential confound. A brief follow-up study found small but marginally significant results; it could benefit my research to conduct a replication of the brief follow-up study as well.

Furthermore, this research could be greatly expanded upon. I specifically propose two future studies of interest. First, I would hope to examine the reported perceived effectiveness of interrogations when enhanced interrogation methods are compared to traditional interrogation methods. Second, it could be interesting to compare responses when the nationality of the detainee is manipulated. That is to say, I would be interested in comparing respondents’ assigned levels of interrogation and punishment when the detainee is a suspected domestic terrorist compared to a suspected international terrorist. I would expect the pattern of results to depend on the race of the suspected domestic detainee and the perceived threat they present. I predict to find that domestic terrorists who are portrayed as White Americans would receive less severe levels of interrogation and punishment than international detainees. I predict these findings because the retributive factors that motivate the public’s desire to punish would be less automatically activated and less passionate for someone who is perceived to be a member of the participant’s in-group, as they would be perceived as less threatening. However, if the domestic terrorists are portrayed as someone of Arab or Muslim descent, I predict that that the assigned levels of interrogation and punishment would be similar to levels assigned to an international terrorist because the perceived threat would be just as high, if not higher.

## **Appendix A**

### Consent Form

#### CONSENT TO PARTICIPATE IN RESEARCH

**INTRODUCTION:** My name is Kenna Falk and I am an undergraduate student at UC Berkeley in the Legal Studies Department, working under the supervision of Professor Victoria Plaut. You are being invited to participate in a study our research team is currently conducting about people's judgments regarding interrogation policies.

**PURPOSE:** We are currently recruiting adult US citizens to complete an online survey. The purpose of this study is to learn about public perception and people's judgments regarding interrogation policies. About 300 people in total will participate in this study.

**PROCEDURES:** If you agree to participate, you will be asked to complete an online survey designed to measure people's judgments given a set of political facts. Completing the survey should take approximately 10-15 minutes.

**BENEFITS:** While there is no direct benefit to participants, the information gained from the study will contribute to a more complete understanding of how people view interrogation practices.

**RISKS/DISCOMFORTS:** As with all research, there is a chance that confidentiality could be compromised; however, we are taking precautions to minimize this risk (see below for more detail.)

**COMPENSATION:** To thank you for participating in this study, you will receive \$1.00 through your Amazon Payments account.

**CONFIDENTIALITY:** Your study data will be handled as confidentially as possible. Any personally identifying information will be separated from your responses. If the results of this study are published or presented, no personally identifiable information will be used. All data will be stored in a secured space accessible only to members of our research team. When the research is completed, we may save the study records for use in future research, with the same measures of protection in place.

**RIGHTS:** Participation in research is completely voluntary. You have the right to decline to participate or to withdraw at any point in this study without penalty. You may skip questions by simply not answering them. Additionally, you may exit out of the survey by closing your Internet browser.

**QUESTIONS:** If you have any questions or concerns about this study, you may contact Kenna Falk at knf.research@gmail.com. If you have any questions regarding your treatment or your rights as a research subject, you may contact UC Berkeley's Committee for the Protection of Human Subjects at (510) 642-7461 or subjects@berkeley.edu.

CONSENT: By clicking on the "Agree" button, you are indicating your consent to participate in research.

## **Appendix B**

### Instructions

Thank you for agreeing to participate. Please read the set of facts presented on the next page. You will then be asked a series of questions about your views of this particular situation and what action should be taken.

## Appendix C

### Vignettes

#### **International Detainee: Age Manipulation:**

US and Coalition forces have detained Ahmad Farid, a **15/26**-year-old Afghani, on suspicion of terrorist activities. At the time of capture, Ahmad was helping to support his family by tending a small herd of goats. He is being held at a US detention center in Afghanistan and is scheduled for a commission hearing in several weeks to consider the charge against him.

#### **“Guilty”: Experimental Condition:**

Ahmad Farid had been involved with an extremist Muslim group and had supported the Taliban when they were in power as an active member of the insurgency. During that time he was involved in the setting of numerous roadside bombs, attacked civilians who cooperated with Coalition forces, and participated in ambushes that killed four US Marines. Farid has since withdrawn from the insurgency and has had little or no contact with enemies of the Coalition Forces. He was captured while tending to the goats in close proximity to a camp of Taliban insurgents.

#### **“Innocent”: Control Condition:**

No additional information

#### **Knowledge Manipulation Paragraph: All Participants**

In addition to the first control vignette paragraph, and either the control or experimental Guilt manipulation paragraph, all participants will be presented with one of two paragraphs that describe the likelihood the detainee was withholding information that might prevent lethal attacks on soldiers and innocent civilians on American soil. The two options include a 5% chance and a 95% chance. The paragraph below would be used, with the available manipulations in bold.

Ahmad Farid claims to have no direct knowledge of the insurgents, their plans, their routes or anything remotely useful to the Coalition Forces. He has stated this repeatedly, but his questioners feel that he has some useful information. Based on the experience of thousands of prior interrogations, there is a **5%/95%** chance that Ahmad Farid is actually withholding information that might prevent lethal attacks on soldiers or innocent civilians.

## Appendix D

### Survey Questions

Based on the set of facts you just read, please answer the following questions.

1. Interrogations can range from being very mild, defined as "simply asking questions," to extremely severe, defined as "aversive, degrading, painful, and in some cases cause permanent physical and psychological scars." Using the information you were provided and the scale below, please recommend an interrogation severity level for Ahmad. (1=Extremely Mild, 13=Extremely Severe)
2. Should Ahmad be punished? Yes/No
3. If yes, then please use the scale below to indicate how severely he should be punished. (1=Not at All, 7=Extremely Severe)
4. On the scale below, please rate Ahmad's character. (1=Immoral, 7=Moral)
5. Using the scale provided, please answer the following questions: (1=Not at All, 7=Definitely)
  - a) Are the interrogation methods likely to elicit withheld information in this case?
  - b) Can the interrogation methods provide useful information?
  - c) Should the interrogation methods be used when doing so might save lives?
  - d) Are the interrogation methods likely to deter Ahmad from engaging in future acts that threaten soldiers or innocent civilians?
  - e) To what extent does use of the interrogation methods punish Ahmad?
6. Now, assume there was a 5% chance that Ahmad Farid is actually withholding information that might prevent lethal attacks on soldiers or innocent civilians. Please use the scale provided below to recommend an interrogation severity level for Ahmad. (1=Extremely Mild, 13=Extremely Severe)
7. Using the scale provided, please indicate the extent to which you agree or disagree with the following statements: (1=Strongly Disagree, 7=Strongly Agree)
  - a. In general, enhanced interrogations are equivalent to torture (cruel and unusual punishment).
  - b. In general, enhanced interrogations are an effective way to gain useful information.
  - c. In general, enhanced interrogations' utility makes them a necessary evil.
  - d. In general, the use of enhanced interrogation methods is never permissible.
  - e. In general, juveniles are less culpable than adults who commit the same criminal act.
  - f. In general, juveniles should be treated more leniently than adults for committing the same criminal acts.



8. Using the scale below, please indicate how warmly you feel towards each of the following groups, in general: (provided a sliding scale, 0=Very Cold, 50= Neither Warm nor Cold, 100=Very Warm; anchored the scale at 50; the sequence of the following 13 categories was randomly assigned)
  - a. Men
  - b. Juveniles
  - c. Whites
  - d. Arab-Muslims
  - e. Christians
  - f. Americans
  - g. Blacks/African Americans
  - h. Women
  - i. The US Military
  - j. Persons with Disabilities
  - k. Undocumented Immigrants
  - l. Latinos/Hispanics
  
9. In the space below, please tell us, what is your understanding of this study's purpose? In other words, what question do you think the researchers are interested in examining through this study? (An open text box to comment was provided)
  
10. Please rate your current support for the War on Terror, ranging from 1 representing "I do not support US military action at all" to 7 representing "I definitely support US military action".
  
11. How closely do you follow the news regarding the War in Afghanistan? (1=Not at All, 7=Very Closely)
  
12. What is your age?
  
13. What is your gender?
  - a. Male
  - b. Female
  - c. Other
  
14. Please choose the ethnic category you most closely identify with:
  - a. American Indian or Alaska Native
  - b. Latino or Hispanic
  - c. Black or African American
  - d. Native Hawaiian or Other Pacific Islander
  - e. White
  - f. Asian or Asian American
  - g. Persons of Middle Eastern or Arab descent
  - h. Other
  
15. What political party do you most closely identify with?

- a. Republican
  - b. Democrat
  - c. Independent
  - d. Other
16. What religion do you most closely identify with?
- a. Protestant Christian
  - b. Roman Catholic
  - c. Evangelical Christian
  - d. Mormon
  - e. Jewish
  - f. Muslim
  - g. Hindu
  - h. Buddhist
  - i. Agnostic
  - j. Atheist
  - k. Other
17. How long have you lived in the US? (please specify in years and months)
18. What is your US residency status?
- a. US Citizen
  - b. Legal Permanent Resident
  - c. Other (including student visas and other situations)
19. Do you or an immediate member of your family have a military affiliation? Yes/No
- a. If yes, please state their relationship to you and what their affiliation is: (An open text box to comment was provided)
20. Which of the following best describes your current employment status?
- a. Employed full-time
  - b. Employed part-time
  - c. Self-employed
  - d. Unemployed by choice
  - e. Unemployed by disability
  - f. Unemployed and searching for work
  - g. Retired
  - h. Full-time student
21. What is your highest level of education?
- a) Some High School
  - b) High School Diploma or Equivalent
  - c) Some College
  - d) Associate or Two-Year Degree (A.A.)

- e) Bachelor's or Four-Year Degree (B.A. or B.S.)
  - f) Graduate or Professional Degree (e.g., MA/PhD, MD, MBA, JD)
22. What is the approximate combined yearly income of your household?
- a) Less than \$20,000
  - b) \$20,000-\$50,000
  - c) \$50,000-\$75,000
  - d) \$75,000-\$100,000
  - e) \$100,000-\$150,000
  - f) \$150,000-\$200,000
  - g) Greater than \$200,000

## **Appendix E**

### Debriefing Form

#### STUDY DEBRIEFING

This study examines how a detainee's age, guilt, and knowledge affect people's motivations to punish. When discussing when and to what degree to punish, retributive and utilitarian theories emerge as possible explanations. While the utilitarian model focuses on the likelihood interrogation practices will produce actionable knowledge, the retributive model focuses on how punishment is driven by a sense of moral outrage. In the present study, we examined which theory better explains people's judgment by manipulating whether the detainee you read about had actionable intelligence and whether he had participated in prior bad acts. Additionally, participants read about either a 15-year-old or 26-year-old detainee, allowing us to examine whether a person's age affected people's judgments under the circumstances.

To try to obtain natural and unbiased reactions, we did not disclose the full purpose of the study to you at the beginning. This was necessary so that your knowledge of the study would not influence your responses.

If you have any questions about this research please contact Kenna Falk at knf.research@gmail.com. If you have any questions regarding your treatment or your rights as a participant in this research project, please contact the University of California, Berkeley Committee for the Protection of Human Subjects at (510) 642-7461 or subjects@berkeley.edu.

Because this experiment is ongoing, we request that you not share the true nature and purpose of this experiment.

## Appendix F

### U.S. Public Opinion on Torture, 2001-2009

Table 1

#### Public Opinion regarding Torture, 2001–2009

YEAR	MONTH	POLLING ORGANIZATION	FAVOR	OPPOSE
2001	October	Gallup/CNN/USA Today	45	53
	November	Christian Science Monitor/TIPP	32	66
2002	March	Fox News/Opinion Dynamics	41	47
2003	March	Fox News/Opinion Dynamics	42	44
	September	ABC News	23	73
2004	May	ABC News/Washington Post	35	63
	July	The Chicago Council	29	69
		PEW People and the Press	43	53
2005	January	Gallup Poll	39	59
	March	PEW People and the Press	45	52
	October	PEW People and the Press	46	49
	November	Newsweek/Princeton	44	51
		Gallup/CNN/USA Today	38	56
	December	AP/Ipsos-Public Affairs	38	59
		ABC News/Washington Post	32	64
2006	July	World Public Opinion	36	58
	August	Time/SRBI	15	81
	September	CBS News/New York Times	35	56
	October	BBC/Globe Scan/PIPA	36	58
		PEW People and the Press	46	51
2007	January	PEW People and the Press	43	54
	November	PEW People and the Press	48	48
2008	February	PEW People and the Press	48	50
	June	World Public Opinion	44	53
	October	Cooperative Congressional Election Study	47	53
	December	World Public Opinion	44	53
2009	January	ABC/Washington Post	40	58
	February	PEW People and the Press	44	51
	April	PEW People and the Press	49	47
	April	ABC/Washington Post	48	49
	June	APGFK	52	47
	November	Few People and the Press	54	41

Note: For specific questions posed, see appendix A.

Table 2

**Attitudes toward Torture among Marine and Army Soldiers Serving in Iraq, 2006**

	MARINES		ARMY	
	Favor (%)	Oppose (%)	Favor (%)	Oppose (%)
Is torture justified ...				
To gather information?	39	61	36	64
If it will save the life of a fellow soldier/Marine?	44	56	41	59

Figure 1

**Public Opposition to Torture, 2001–2009**

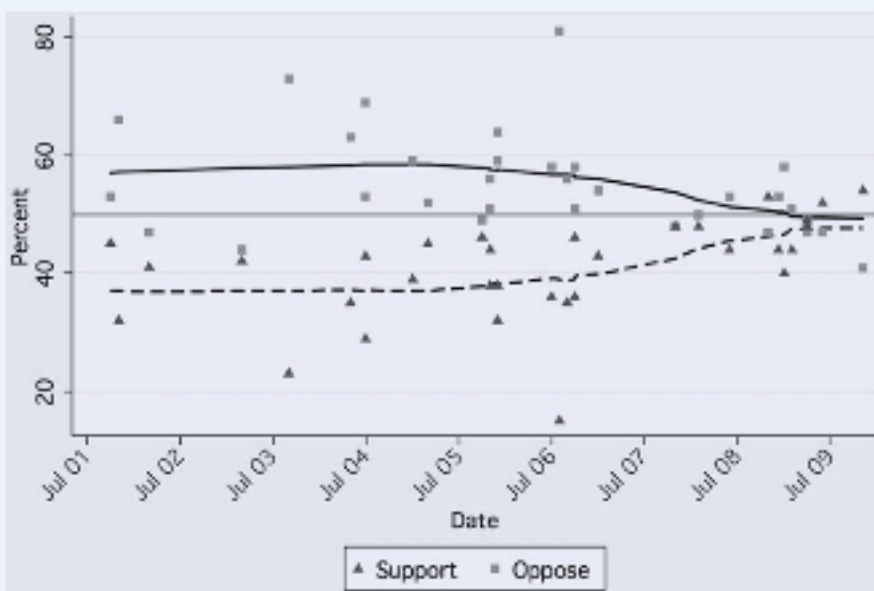
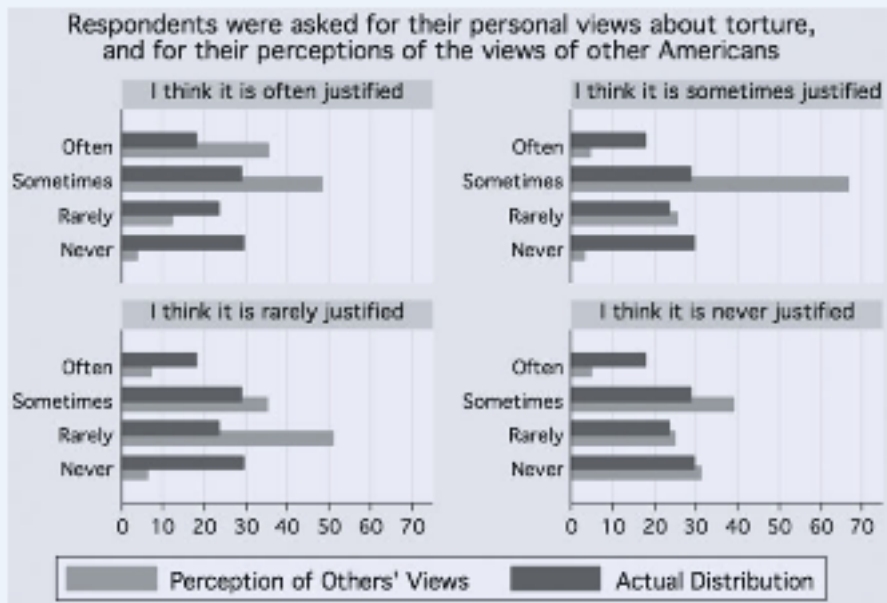


Figure 2

## False Consensus About Torture



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