
In Theory

Applying Negotiation Theory to the Interrogation of Detainees

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This article seeks to apply negotiation concepts to the interrogation of detainees. Specifically, Richard Walton and I worked on a project sponsored by the Intelligence Science Board (ISB) to develop protocols for interrogation that would take the high road and be true to our human values. We focus on “The Man in the Snow White Cell” — a true story that took place during the Vietnam War, with the arrest of a high-level intelligence officer (Tai) serving the North Vietnamese espionage forces. The analysis highlights the failure of either torture or superficial kindness to deliver results and outlines the elements of a constructive approach—one that would have been both more morally acceptable and more likely to deliver results. A mutual gains process using the forcing and fostering strategies would have been such an approach.

Keywords: negotiation, forcing, fostering, interrogation, torture, mutual gains

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My thanks to Joel Cutcher-Gershenfeld. We dedicate this article to the memory of Dick Walton.

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Negotiation Journal Summer 2023 279

Introduction

Theory is often advanced by looking at the edges or extremes, where the contours are thrown in sharp relief. Looking at the interrogation of detainees as a negotiation is such an extreme. It is typically seen as a one-way power situation in which the only options are resistance or compliance. In fact, there are many layers of negotiation in these most horrific of situations.

The subject is a difficult one and may be triggering for those who have been held captive in one way or another. Moreover, there are ethical considerations in providing any insights that might be helpful for people to take others as prisoners. At the same time, detaining people is a common aspect of conflict, and the point of this article is that theory supports more restrained forms of forcing and more robust forms of fostering. It is with these aims in mind that it is important for us to consider these situations—both to mitigate harm to the extent possible and to deepen our understanding of the myriad of situations that do not involve detainees but that have some of the same properties.

There are three key lessons from this case. The first is the failure of either torture or superficial kindness to deliver results. The second is the unexpected ability of the prisoner to advance his own interests even while in captivity. The third is the opportunity, in retrospect, to see what might have been possible with a more constructive approach—one that would have been both more morally acceptable and more likely to deliver results. A mutual gains agreement would have been such an approach.

Background

When Dick Walton and I developed the behavioral theory of labor negotiations (Walton and McKersie 1991), we wanted to test its relevance in settings other than labor-management negotiations, which was our focus. To this end, we selected the civil rights movement, underway during the 1960s, as well as the Cuban missile crisis. These two settings afforded us the opportunity to apply the theory's concepts in situations very different than the labor-management context. In this article, I consider yet another context. I explore whether negotiation concepts have validity and the power to increase our understanding when seeking to acquire intelligence from detainees.

In what sense is this process of seeking information from a detainee a negotiation process? It does differ from a typical negotiation in that disincentives play a key role. The interests of the two sides of the encounter are, for the most part, diametrically opposed. The detainee places high priority on not remaining in captivity and not revealing any information that might compromise their group,

organization, or nation. Those conducting the interrogation want the process to produce credible and actionable information that will serve the mission of the group, country, or other entity that has custody of the prisoner.

Walton and I worked on a project sponsored by the Intelligence Science Board (ISB) to develop protocols for interrogation that would take the high road and be true to our human values. One case that became a focus for the committee's work was "The Man in the Snow White Cell." It is a true story that took place during the Vietnam War, with the arrest of a high-level intelligence officer (Tai) serving the North Vietnamese espionage forces. This was a man who had run intelligence and terrorist operations in Saigon for more than five years, operations that had killed or wounded hundreds of South Vietnamese and Americans. U.S. and South Vietnamese intelligence and security officers interrogated the man for more than two years, employing every interrogation technique in both countries' arsenals to try to obtain his secrets.

This case was discussed during deliberations of the committee, and in the analysis that follows I draw extensively on its work. Concurrently, the analysis is motivated by the work of my friend and coauthor, the late Dick Walton, who continued to come back to this extreme negotiation case and on whose work I draw (Walton 2006). In his 2006 unpublished work, Walton used the term "educer" rather than "interrogator." However, "educer" has since fallen out of favor in the literature, so the term "interrogator" is used here.

This "Snow White Cell" case has several advantages, given that very few detailed accounts are available relating to interrogation of detainees. The story itself appears in a report from the ISB (Intelligence Science Board 2009). In addition, the individual who was detained, Nguyen Tai, published his own account of the experience (Tai 1999), and one of the U.S. officers who conducted the interrogation, Frank Snapp, devoted a chapter in his book (Snapp 2014) to this story. Mary Rowe also has analyzed this case, emphasizing the importance of identifying sources of power available to the parties involved in the interrogation (Intelligence Science Board 2009). This framework is very helpful for understanding the tactics that are utilized.

Strategic Perspectives

The framework I use for analyzing this case draws on a study conducted after the publication of *A Behavioral Theory of Labor Negotiations*. This later work frames the negotiating process from a strategic perspective (Walton, Cutcher-Gershenfeld, and McKersie 1994). I find it helpful to employ two paired¹ strategic approaches—forcing and fostering—for understanding how negotiations take place.

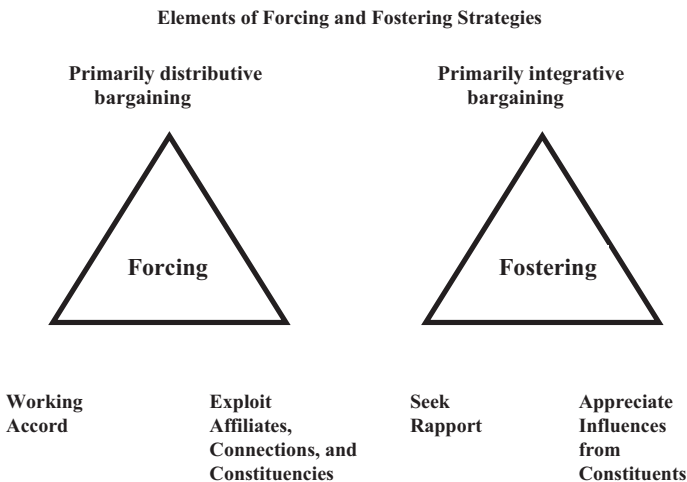
Broadly speaking, forcing can be restrained or unrestrained. Both restrained and unrestrained forcing are primarily distributive, but they vary in attitudinal tactics and the way in which internal or intraorganizational bargaining is handled.

The companion approach, fostering, also has three primary elements: integrative bargaining, positive attitudinal structuring, and appreciation of internal differences. Fostering can be superficial or robust. Both superficial and robust fostering are primarily integrative, but they too vary in the attitudinal tactics employed and the way in which internal or intraorganizational bargaining is handled. Forcing and fostering, each with three elements, are illustrated in Figure One.

I share here a few words about the three elements involved in the two strategic approaches to interrogation. The **fostering** strategy emphasizes building a relationship with the detainee and using connections to family, and other affiliations, in a constructive manner. The **forcing** strategy is primarily distributive and emphasizes various trade-offs (e.g., “I will ease up on the questioning when you tell us your story”). The attitudinal component or tenor of the relationship between the parties can be tense, but some type of connection needs to be maintained. As in most cases the detainee has not acted alone, it is necessary and helpful for the interrogator to be aware of affiliations and how they can be leveraged to induce the detainee to share information.

Forcing employs both negative and positive exchanges. Typically, it involves changes that would worsen the source’s situation should they refuse to comply with the interrogator’s request. However, the source

Figure One
Elements of Forcing and Fostering Strategies



may also threaten negative actions such as suicide.² The challenge in using negative-based bargaining as part of a forcing strategy is to avoid jeopardizing the concurrent objective of fostering, undertaken to establish rapport.

Positive incentives involve rewards that are offered to the detainee. As a distributive exchange, this restrained forcing process involves offers (promises) that would improve the source's situation relative to the status quo in exchange for information that is useful to the interrogator. The restrained forcing strategy seeks to have the prisoner take steps that align with the interests of the interrogator. Improving the physical setting, providing reading materials, etc., is certainly functional and in line with both restrained forcing and fostering strategies. But for this to be effective, it is necessary for the interrogator to weaken the source's ties to their organization, thereby making it easier for the detainee to provide information in exchange for improvements in the detainment.

In most cases, the development of rapport using the tools of fostering is not a sufficient strategy for eliciting useful information from a detainee. Some form of negative incentives, for example, pressure and tactics that convey urgency, are necessary. Conceptually, the process involves imposing some type of cost on the detainee that will be removed in exchange for the detainee's "coming clean." Such an approach is at the heart of unions going on strike in support of their bargaining demands. Usually, the process utilizes some deadline to increase the pressure.

The history of humankind is filled with examples of various forms of pressure being used to elicit cooperation. There are several reasons why the type of pressure being utilized must be limited and carefully implemented. The most important reason is that many forms of pressure (e.g., torture) do not accord with our values to treat human beings with dignity and respect. The more practical reason is that extreme pressure does not work.

Having allowed for the use of compulsion, narrowly defined, what are some tactics that pass muster? Intense and frequent questioning can be employed. For example, "If you cooperate, we will not bother you so much." In this instance, responsible interrogation does not cross the boundary of impairing the health of the detainee.

Cost reduction—the avoidance of future costs—can only go so far. A more effective form of forcing involves "approach" or the prospect of a reward. Cooperation and good behavior will produce special privileges—a trade-off, or more cynically, a bribe—frequently used to manage the behavior of prisoners serving sentences. The biggest reward, of course, is release from captivity, which is a plausible tactic only

when the detainee trusts the interrogator to implement such an offer, taking the interaction to the heart of the fostering process.

For the fostering strategy to be relevant, it needs to deliver substantial benefits to both sides of the interrogation. The source and the interrogator need to create solutions to the impasse. Fostering needs to be robust and creative; just developing rapport is not sufficient and can be characterized as superficial fostering.

Importantly, there is evidence (see High-Value Detainee Interrogation Group 2016a; Vrij et al. 2017) to suggest that robust forms of fostering that involve genuine and substantive rapport between the detainee and the interrogator can deliver mutually beneficial results. To do this, the interrogator must genuinely appreciate some of the underlying motivations of the detainee and advocate for the detainee relative to other interrogators who are focused solely on short-term results. Ideally, at the same time, the detainee develops an appreciation of some of the underlying interests and motivations of the interrogator.

Honoring the guideline that forcing must not undercut fostering suggests several tactics. For example, the interrogator may inform the detainee that they are just doing their job and suggest that if the tables were turned, the detainee would act in the same way as the interrogator, thus combining the attitudinal dimension of the forcing triangle with the integrative dimension.

Not Torture but Pressure

After the exposé of Abu Graib and documentation of other examples of torture by U.S. operatives, a major shift occurred in thinking and practice related to the interrogation of detainees. Two reports (High-Value Detainee Interrogation Group 2016b; Vrij et al. 2017) emphasized the importance of avoiding torture and taking the high road by developing rapport with the detainee.

In the case at hand, the source is informed that if he cooperates, torture will end. This aspect of unrestrained forcing is not productive; in fact, it can be counterproductive. In recent decades, research has shown that the threat of torture and the promise to remove the threat with cooperation are generally not productive (High-Value Detainee Interrogation Group 2016b; Vrij et al. 2017). Instead, this tactic more often prompts resistance and generates long-term resentment. Unrestrained forcing may get results in TV dramas, such as the show “24,” but it is not recommended practice—both for ethical and utilitarian reasons.

Given our values to treat all humans with respect, this shift has been very desirable and commendable. However, at the same time

there remains the task of not just lowering the costs of cooperating but finding ways to increase the costs of not cooperating, consistent with our human values. To only utilize fostering tactics is to miss the reality that most detainees will not cooperate given the standoff in interests between the two parties. Fostering may lower the costs of cooperating, but it fails to meet the necessity to increase the costs of not cooperating.

The challenge in increasing the costs experienced by the detainee who withholds information is to avoid torture. It is not surprising that often, faced with a noncooperative detainee, interrogators reach for ways to inflict physical pain, setting up a quid pro quo of relief in exchange for information.

The better approach is to employ the tactics of restrained forcing, such as insistence, repetition, and emphasis on a deadline. These tactics may not be pleasant for the detainee—and that is just the point. But if the physical well-being of the detainee is maintained, then the pressure exerted on the detainee to cooperate may be justified and may be productive. Still better is a mutual gains agreement, which was not obtained in the case presented here but which, in retrospect, might have been possible.

The Interrogation Process

How does the interrogator increase the chance that the interrogation will be successful? Given the initial configuration of interests, the source's operational objective—to provide as little information as possible—will be the opposite of the interrogator's interests. The detainee may present themselves as unassociated with their organization or at least as relatively unimportant to it. It is only when the priorities they attach to their many interests get reordered that the deadlock may ease.

The source can be thought of as differentiating in their own mind among the types of information/intelligence they possess according to the cost/benefit ratio associated with disclosing each type (see Table [One](#)). The more favorable the cost/benefit for a given type of information disclosure, the more accessible the information will be for the interrogator.

How does the interrogator respond to the costs and benefits as seen by the detainee? Operationally, the interrogator seeks to reduce the costs and enhance the benefits of the detainee sharing information. At the same time, it is necessary to increase the costs for the detainee of not cooperating. This task involves the tactics associated with a restrained forcing strategy (see Table [Two](#)).

Table One
Source's Views of Costs and Benefits of Cooperation or Compliance: Examples

Possible Costs of Sharing Information	Possible Benefits of Sharing Information
<ul style="list-style-type: none"> • Stress from guilt regarding betrayal of organization: from own weakness • Stress from losing a test of wills with the interrogator • Stress from fearing harm to himself if fellow captives or his organization learn of his cooperation • Delayed release (if the information further implicates him in his organization's operations) 	<ul style="list-style-type: none"> • Better treatment than the status quo (amenities, social privileges, contacts with family, etc.) • Relief by ending a debilitating test of wills by gaining approval of interrogator and by gaining more control over the routine • Earlier release

Table Two
Possible Costs of Not Sharing Information

- Mental exhaustion from persistent questioning
 - Uncertainty about what comes next
 - Loss of potential benefits from sharing
-

Understanding the Source's Situation

The source's storehouse of relevant information may be conceived of as layered—as in the outer to inner peels of an onion—in terms of its accessibility to the interrogator. In some interrogation strategies, especially under time constraints, the interrogator may attempt to go straight for the innermost layers, which the source would like most to conceal, for example, information about recent operations and plans for other threatening actions. The layered nature of the information possessed by the source has many implications for the relationship-building process; for example, the timing of goodwill building, verification initiatives, and the use of promises.

The interrogator may attempt to peel the information onion one layer at a time. The outer layer is what is already known at the outset based on research and discovery. The second layer may include aspects of the source's life history, including associations they had and places in which

they resided before going to fight. Questioning and argumentation that involve persistence and insistence are important early in the interrogation and are key attributes of a forcing strategy. Tactical aims of this process are to establish a pattern of communication that is minimally satisfactory to both sides; to turn up clues; to detect deception; and to convince the source that the interrogator possesses certain information.

The interrogator seeks to convey the impression that they are knowledgeable about the source's history and operational activities, lies will be detected, and it is futile for the source to resist as the interrogator "knows all" and is a powerful and dominant person in a position to use the power of data.

The third and innermost layer for high-value sources is information that if disclosed would be strategically or tactically harmful to the detainee's group, organization, or country and would implicate them as holding an important role in the organization and its operations. This level is more accessible when fostering is in play and the interrogator seeks to shape a relationship with the source. The tactical aims of the interrogator are to build goodwill, trust in the interrogator's intentions, and believability of the interrogator's words. Bit by bit the interrogator seeks to strengthen the source's bonds or attitudes regarding the interrogator's intentions and believability. The behavior can involve gestures of respect, generosity, and concern.

Yet, some degree of forcing is important. As the interrogation moves from the first layer to the deeper realm where the detainee is most reluctant to share information, it is necessary to intensify the tactics being utilized. It may be impossible for one person to engage in both forcing (even restrained) and fostering (especially robust). So, while the stereotype of "good cop/bad cop" may seem like a Hollywood script, it does have merit in allowing two companion strategies to be employed.

Tactics Used by Vietnamese and American Interrogators

By engaging the details of the Snow White Room case, it is my purpose to analyze the approach taken first by the South Vietnamese and then by the U.S. interrogators and to explore the viability of restrained forcing and robust fostering strategies. At the outset, the individual denied that he had any significant role in the conflict.

Clearly, the first and immediate objective of the interrogation process was to have the prisoner "come clean" and reveal to the authorities his identity. The approach taken by the South Vietnamese interrogators could be characterized as *unrestrained forcing*. By imposing various physical and other elements of torture, the presumption was that the

prisoner, to end the pain, would reveal his identity. Against this backdrop of pressure, several tactics were tried.

The South Vietnamese set to work to force Tai to admit his real identity, which they saw as a necessary first step in breaking him. They began confronting him with gaps in his story and tortured him even when he maintained he was telling the truth. They administered electric shock, beat him with clubs, applied various forms of water torture (not detailed here to avoid providing instruction to others), and kept him tied to a stool for days at a time without food or water while questioning him around the clock. Initially, none of these methods elicited even an acknowledgment of Tai's identity.

The Power of Information

After showing Tai's picture to the many communist prisoners and defectors then in custody, the South Vietnamese quickly learned Tai's identity as the chief of the Saigon-Gia Dinh Security Section. The interrogators showed Tai pictures in which he was present. Since the approach being used was unrestrained forcing, the pictures were presented to Tai with a type of "gotcha" challenge. Tai also was shown correspondence he had written, which was compared with his handwriting during captivity, as if to say, "We know who you are."

If the approach had been more restrained, the pictures could have been used as a way of playing to Tai's ego by saying something like "It looks like you are a very important person, and the others who are in the picture obviously are very impressed with your leadership." This approach would support efforts to develop rapport, rather than intensifying an adversarial relationship with the prisoner.

Exchange of Prisoners

The Vietnamese tried a new ploy. They told Tai they were planning a secret exchange of high-ranking prisoners, but he would only be exchanged if he admitted to his true identity. They promised that he would not have to tell them anything else, but they could not exchange him if he did not confess his identity.

This tactic was highly problematic. No basis of trust had been established, so why would the prisoner believe he would be released if he cooperated? This offer only would have worked if a high degree of trust had developed.

Showing Tai a Picture of His Father

Information was publicly available documenting that Tai had helped imprison his father. Family honor (identity) in the Vietnamese culture is extremely important and showing this photo most likely increased Tai's resistance, as he was committed to not dishonor his family. This was

a more restrained form of forcing but it generated increased counter forcing.

Additional Informants

Informants—North Vietnamese who had been apprehended and went over to the South Vietnamese side—were also brought into the room. They confronted him with captured documents he had written and with photographs of him taken years before when he served as a security escort for Ho Chi Minh during a state visit to Indonesia. Exhausted and weakened, both physically and psychologically, and comforting himself with the thought that, whether he confessed or not, the enemy clearly already knew his real identity, he finally gave in. Tai wrote out a statement admitting that, “My true name is Nguyen Tai, alias Tu Trong, and I am a colonel in the National Liberation Front of South Vietnam.”

In retrospect, this breakthrough could have been achieved without resort to torture. Being confronted with photos and identified by former accomplices—a much more restrained form of forcing—forced Tai to acknowledge his identity. This was a lost opportunity since the unrestrained forcing built up a reservoir of anger and resentment.

The key was the intelligence work that located former associates of Tai who could clear up the mystery of who he was. There can be severe costs to this tactic: one of the informants committed suicide knowing that when the war was over (assuming the Viet Cong would be successful) there would be retribution for those who cooperated with the South Vietnamese.

Shifting to the Snow White Room

In early 1972, Tai was informed that he was being taken to another location to be interrogated by the Americans. With the knowledge that Tai was an extremely important person, given his confession about his identity, the U.S. team took over the interrogation. Tai was detained in a cell painted white with 24-hour air conditioning. (It had been reported that he disliked cool temperatures.)

American officers tried to win Tai’s trust by giving him medical care, extra rations, and new clothing (most of which Tai claims to have refused or destroyed for fear of compromising his own strict standards of “revolutionary morality”). They also played subtly on his human weaknesses: his aversion to cold, his need for companionship, and his love for his family.

Ed Schein, an organizational culture scholar who began his career studying the brainwashing of prisoners, has developed a helpful taxonomy for the relationship-building process that is central to the fostering

strategy.³ The tactical aim of the interrogator is to enact the power of goodwill and develop trust with the detainee. Given what had happened under the aegis of the South Vietnamese interrogator—which could be termed a very “dominant” relationship—the effort by the Americans to move to something more positive represented a desirable objective but proved very difficult to achieve.

One of the most significant initiatives was the introduction of poetry, which could provide a basis for intellectual exchange and robust fostering. However, in the short term, it enabled Tai to retain and sharpen his mental acuity, thereby increasing his resistance to the questioning process. This suggests a dilemma: the long-term benefits of robust fostering will involve short-term opportunities for strong counter forcing by the detainee.

Counter Forcing by the Prisoner

Tai had his own sources of power, including absorbing pain and maintaining his silence, and the credible threat of suicide. These are forms of unrestrained counter forcing. A more subtle form of restrained forcing was also utilized by Tai—one not recognized by the U.S. team at the time. This was the role played by local interpreters. The lead U.S. interrogator decided to try a new ploy to crack Tai’s façade. Like other American officers who had interrogated Tai, Snapp did not speak Vietnamese. Interrogations were always conducted using a South Vietnamese interpreter, usually a young woman. It was decided to cut the South Vietnamese completely out of the interrogation to see if this might lead Tai to speak more freely. Instead, an American interpreter who spoke Vietnamese took over the duty. Then Tai forced the Americans to bring back the South Vietnamese interpreter by pretending he could not understand the American—whom he admitted later spoke Vietnamese perfectly well.

The American team was puzzled as to why Tai wanted interpreters to come from the ranks of the South Vietnamese, not realizing the value to Tai of leaks back to the North. Members of the South Vietnamese team regularly leaked information to Tai’s organization, reporting that he was not cooperating with either the South Vietnamese or the Americans. If South Vietnamese interpreters were part of the scene, Tai was certain he would be seen as resisting and not compromising his mission. If the interrogators had recognized this, it could have led to discussions about securing Tai’s reputation and not allowing it to be damaged by being a captive subject to interrogation, and to a promise that local interpreters would always be used. The discussions could be broadened to identify other ways Tai’s reputation could be protected.

Results

The U.S. interrogation ended with the signing of the Paris Peace Accords in January 1973, although Tai remained incarcerated in the Snow White cell. He was left isolated, but in peace, for the next two years until Saigon fell in April 1975. It was only during this final two-year period that a mutual gains agreement might have been viable.

During the three years prior to the peace accord the unrestrained forcing was completely ineffective. Eventually, after moving through several layers of his story, Tai did identify himself as a key intelligence officer for North Vietnam. But the unrestrained forcing could have led to the end of the entire process as Tai did try to commit suicide as a way of ending the pain of torture.

The Intelligence Science Board viewed the results of the interrogation of Tai as very limited, and indeed, the case was presented as an example of the challenges faced in obtaining useful information from a prisoner. This conclusion is underscored by the fact that the detainee, Tai, subsequently was honored by his government for his valor, both before and after capture. If he had revealed any significant information that might have compromised other members of the intelligence force or planned assassinations, he certainly would not have been given the country's highest honor for his work as an intelligence officer.

It is true that Tai finally did reveal his identity, but only after informants confirmed who he was. This can be related to the power of information and not coercion. Plans for new assassinations, and the identity of other members of the North Vietnamese underground—these Tai never revealed, either to the Vietnamese or American interrogators. While some superficial information was forthcoming because of the unrestrained forcing strategy used by the South Vietnamese interrogators, crucial information was not revealed. Tai's response to the unrestrained forcing was to increase his resistance, prompting him to realize that he was seen as an important player. Consequently, it became important for him to maintain his honor and not reveal anything that would be damaging to the North Vietnamese war effort.

The approach taken by the Americans can be assessed as superficial fostering. Certain actions were taken to build a relationship but they were not very robust. The context of the Snow White cell negated the possibility of developing any modicum of rapport. As a result, this phase, too, did not generate meaningful results.

In retrospect, the only effective negotiations were those employed by Tai, who utilized the South Vietnamese interpreters to maintain his reputation while being imprisoned.

Commentary on What Might Have Been Tried

The first and very important point to make is that engaging in torture or inhumane confinement violates the standards of the Geneva Convention (Rule 90 of the Geneva Convention [n.d.](#)). The extreme methods used by the South Vietnamese certainly constituted torture, as did the unusual confinement arrangements that the U.S. intelligence officers put in place when they took over the interrogation.

The subtitle for the published case is “Limitations of the Interrogation Process.” This certainly describes the modest amount of information that was obtained from the interrogation of Tai while he was in custody. Could other tactics have been tried that might have been more productive? Seeking to induce a prisoner to “come clean” is extremely challenging and complex. By employing the two strategies—forcing and fostering—several prescriptions can be offered.

The most important step in the interrogation process is to “set the stage,” to assure the detainee that they will be treated with respect. In the case of the interrogation of Tai, setting the stage also would require that the interrogators recognize the detainee’s professional status. There are many ways to build rapport, including a wide range of tactics that seek to foster a positive relationship.

At the same time, it is important for the detainee to understand that the interrogator has a job to do, one that involves questioning and more questioning. The interrogator can allude to other elements of the forcing strategy, such as the interrogator’s deadlines and the pressure they are under to get results.

Forcing has an important role to play, especially when probing for information about the suspect’s real identity. The use of intelligence to challenge the source with pictures and informants puts detainees on the spot and makes it more likely that they will confirm their identity. This can be done with skillful questioning and the use of confirming data—making it difficult for the source to remain uncooperative.

During Tai’s five-year confinement, a choice point developed given the prospect of the war ending. Could Tai have been challenged by the interrogators talking about a potential end to the war? They might have said: “The war is winding down. Let’s not have any more assassinations. Let’s look to the future of this country. If you provide information, it will help the peace process.” After the Paris Peace Accords, Tai remained confined for an additional two years, a period that provided the interrogators with a prime opportunity for this kind of conversation. They could have emphasized mutual interests around a post-conflict future.

Other subjects could have been introduced during the long confinement period. Tai liked poetry. So, bring onto the team of interrogators a poet. Thinking about the long confinement, it is interesting to speculate that had the South Vietnamese and American interrogators used restrained forcing and robust fostering, something akin to the Stockholm effect⁴ may have emerged.

As to the fostering strategy, it is very helpful if even the slightest degree of empathy can be stirred in the source. For example, the interrogator can encourage the prisoner to contemplate what they would do if the tables were turned: "If you, the prisoner, were in my position, you would do the same." The point is to make interrogation seem as plausible as possible. "If you had been given the assignment to interrogate a detainee you would be asking the same kind of questions that I am asking you."

Another tactic is to point out that in some respects "we are all prisoners." The interrogator might attempt to evoke the prisoner's sympathy for the difficult job that the interrogator has been assigned. The interrogator is also a "prisoner" of an organization that expects results, and the interrogator might be removed from the position if they do not produce good information. Would it have been possible for Tai to feel sympathy for the interrogator, a professional officer doing their job, and cooperate to help them achieve their mission? This is perhaps naïve, but worth trying.

The interrogator can only develop rapport with the detainee if the interrogator recognizes and affirms the detainee's key identities. Yes, the detainee may be a terrorist involved in activities detrimental to U.S. national interests. At the same time, the detainee probably feels pride in their roles in their family, their groups, and their country. The interrogation process cannot attack the detainee's identity; rather, an effective fostering process uncovers their identity and honors their interests to the extent possible.

Thus, it is critical that the interrogator find ways to strengthen the sources' consciousness of their identities, interests, and needs unrelated to their membership in their home organization. As a professional, a dedicated intelligence officer, Tai had something in common with the U.S. intelligence officers who were conducting the interrogation. Here was an opportunity to respect Tai's status and competence, thereby developing the beginning of a relationship.

Another important identity for Tai was his position in his family, especially his role as a son to his father, who had been discredited in the early days of the revolution in the North. Tai's father, Nguyen Cong Hoan, was one of Vietnam's most famous authors. Tai's uncle, Le Van Luong, was a member of the Communist Party Central Committee and the second-in-command of the communist Ministry of Public Security (Vietnam's espionage, counterespionage, and security organization, patterned after the Soviet KGB).

Given this background, it was critical that the interrogators show admiration for Tai's notable family and recognize that Tai did not want to bring dishonor to his family or to his role as an intelligence officer. Showing Tai a picture of his father before understanding his relationship with his father could take the interrogation in the wrong direction. Questioning regarding his family would need to proceed carefully. If it became clear from probing that his relationship with his father was salient and positive, then showing Tai a picture of his father might shift his attention away from his ties to the insurgent organization to focus on other ties and identities. Conceptually, Tai's family can be thought of as the "second table,"⁵ a key element in addressing and leveraging the detainee's affiliations.

At the heart of the fostering process is problem-solving, in which interests drive an exploration of solutions. The U.S. interrogator and Tai could have addressed the following question: "How can you, Tai, help me with my objective to obtain information that prevents more assassinations and more deaths, and at the same time I help you maintain your honor with your family and your standing with North Vietnam, affirming that you have performed as a loyal professional?" This would involve an exploration of steps that were necessary to ensure that the information obtained could not be traced back to Tai. Whether this open sharing of interests would have led to some breakthrough conversations is unclear. But it certainly would not have involved the trauma that resulted from the approaches that the interrogators took, and it would not have intensified the impasse.

For the robust fostering strategy to work there must be benefits for the source. There are certainly costs and these need to be balanced against possible benefits. What would benefit Tai? Given the status of imprisonment there is always the possibility of an exchange; namely, the prisoner cooperating is rewarded by being released. Or better, an exchange of prisoners. The challenge, of course, is to frame the promise of release as credible. This requires what Schein refers to as developing a personal acquaintance and a trusting relationship.

Conclusion

The case study that has been the focus of this analysis of interrogation of a high-value detainee illustrates how difficult it is to elicit useful intelligence. Relying on unrestrained forcing was a nonproductive strategy in this case and contravened international protocols. However, properly implemented, a restrained forcing approach can elicit useful information.

A robust fostering strategy, with an emphasis on building a relationship, has the potential of achieving a breakthrough. However, in the case of Tai, a very sophisticated and committed individual,

this would require considerable skill. Yet even in this challenging case there is the potential to lift up common interests, mitigate harm, and find solutions that serve all parties. If the interrogation does not yield actionable intelligence, at least the prisoner has been treated humanely and the process is faithful to our values. If there is a chance that mutually beneficial information will be revealed, this is the most likely strategy for success.

NOTES

1. I use the word “paired” because these two processes are linked, and an effective negotiation brings them into constructive alignment.

2. During a short respite between torture sessions, to avoid giving away the secrets he held in his head during the physical and psychological breakdown he could feel coming, the detainee tried to kill himself by slashing his wrists. The South Vietnamese caught him before he managed to inflict serious injury, and then backed off to let him recuperate.

3. Schein puts relationship-building into the following categories. *Level 1: Domination* – You want to control others, so you find yourself in situations or occupations that allow you to do so. You need role-based relationships to enable you to give/get what others need for your daily maintenance and growth. *Level 2: Personal Acquaintance* – You want a more personal relationship to give yourself a sense of identity and belonging. *Level 3: Emotional Intimacy* – You want emotionally deep, personal relationships that provide identity and enable the fulfillment of deeper emotional needs.

4. The Stockholm effect occurs when captives develop positive feelings toward their captors.

5. “Second tables” is a shorthand term describing activities taking place within and between the organizations that are represented at the “main table.” In this case, we do not know what was being discussed at higher levels of the intelligence command to which the suspect reported or what was taking place at the strategic levels of the South Vietnam and U.S. governments.

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