

**USMC's Lack of Human Intelligence Doctrine**

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# Report Documentation Page

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The Department of Defense interrogation policy has made it difficult for military interrogators to conduct intelligence interrogations in the Global War on Terror. During the Cold War, the practice of intelligence interrogation did not receive nearly the amount of scrutiny it has recently. As long as interrogators and handlers abided by applicable articles in the Geneva Convention, intelligence interrogations during conflicts such as the Balkans, Restore Hope, and Desert Storm went largely unnoticed. During 2004, the second year of Operation Iraqi Freedom, scandal arose in Abu Ghraib Prison outside of Baghdad, putting the art of human intelligence (HUMINT) collection at the center of international attention. As a result of investigations and Congressional hearings, the US Army has had to redefine the way it conducts HUMINT operations. This change has affected Counterintelligence/Human Intelligence (CIHUMINT) Marines who rely on Army publications used for the conduct of HUMINT operations by Counterintelligence/HUMINT Marines. The Marine Corps needs its own HUMINT doctrine so that collectors can conduct HUMINT operations, have clear guidance, and be free from reliance on Army Doctrine.

#### BACKGROUND

Because of the abuse of detainees at Abu Ghraib from 2003-2004, the DoD reviewed HUMINT, specifically interrogation policy across the department, and as a result restricted authorized interrogation approaches to those listed in the US Army Field Manual. The methods identified in the Army Field Manual on interrogations are sufficient guidelines to frame an intelligence interrogation. Congress passed the "Detainee Treatment Act of 2005 ...after the [Supreme] Court's decision in *Rasul*, which requires uniform standards for interrogation of persons in the custody of the Department of Defense, and expressly bans cruel, inhuman, or degrading treatment of detainees in the custody of any U.S. Agency"<sup>1</sup>. The DoD has mandated that the techniques included in the Field Manual are the only approved methods to be used by any member of the armed services to including the Marine Corps.

Intelligence interrogations are necessary to glean information at the tactical level that may be acted upon and used to develop situational awareness of the enemy. In the Global War on Terror, it has become increasingly difficult to distinguish insurgents from citizens within the population. Therefore, it is necessary to conduct HUMINT operations to prevent attacks that result in the injury of American servicemen

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<sup>1</sup> Section 1403 of P.L. 109-163. See CRS Report RS22312, *Interrogation of Detainees: Overview of the McCain Amendment*, by Michael John Garcia .

and women, as well as, the citizens of the host nation. No insurgent is going to provide information willingly until he is captured while trying to evade.

Since the detainee is unwilling, the usage of one or a combination the approved interrogation techniques have to be implemented in order to force the detainee to provide information of intelligence value. These techniques are very basic and almost benign in nature. Some unwilling participants are aware of the different types of interrogation techniques and have manifested ways to resist the application of such techniques in an interrogation. Detainees' ability to resist the techniques has become increasingly apparent to the insurgents so, it is necessary to apply the same techniques with greater emphasis and aggression. Only DoD certified and trained interrogators should conduct these types of interrogations according to the DoD Directive 3115.09<sup>2</sup>.

#### EXISTING DOCTRINE

The Marine Corps does not possess any current human intelligence doctrine written by, or for, the Marine Corps. It needs its own doctrine. Currently, the US Army uses FM 2-22.3

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<sup>2</sup> Department of Defense, Directive 3115.09, *DoD Intelligence Interrogation, Detainee Debriefings and Tactical Questioning*, 2008 (Washington, D.C.: GPO, 2008) 1.

and DoD 3115.09 for doctrine in reference to Human Source Intelligence Operations. CI/HUMINT Marines follow the 3850.1J to conduct HUMINT operations<sup>3</sup>. The 3850.1J makes reference to several Army doctrinal publications to execute CI/HUMINT operations. CI/HUMINT Marines only have one Marine Corps publication as guidance for conducting operations within their Military Occupational Specialty (MOS), MCWP 2-14, with a date of 5 September 2000. However, the MCWP does not include any chapters on the implementation of HUMINT operations in a counterinsurgency environment. The MCWP 2-14 is in desperate need of revision updates for the Global War on Terrorism<sup>4</sup>.

Another reason for the need of a doctrinal HUMINT publication is the difference between Marine Corps CI/HUMINT and the US Army CI and HUMINT fields. The Marine Corps combines the CI/HUMINT disciplines into one collection entity, because at the tactical level, the two disciplines are mutually supportive. In the Army, the CI/HUMINT fields are separated. The Army has the manpower to operate at the strategic and operational level; whereas, the Marine Corps' focus is at the tactical level to support the commander's decision-making process.

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3 R.L. Kramlich, *Marine Corps Order 3850.1J Policy and Guidance for Counterintelligence and Human Source Intelligence Activities*, (August 2007).

4 U.S. Marine Corps, *MCWP2-14 Counterintelligence*, (Washington, D.C.: GPO 2000).

During the Army's internal investigation of detainee operations, the Inspector General of the Army identified that doctrine did not address operations in non-linear battlespace. Doctrine was written for operations on a linear battlefield...<sup>5</sup>. By the Army's own admission, Army HUMINT collectors were ill-prepared to conduct operations on the counterinsurgency battlefield during Operation's Iraqi Freedom and Enduring Freedom. Subsequently, Marine collectors who relied on Army doctrine were also set up for failure. It is only by the design of the command relationships within the MEF did Marines not fail and/or incriminate themselves in illegal activity during HUMINT operations. Oversight of HUMINT collection operations by the Humint Expoitation Team (HET) commanders and the battalion intelligence officers prevented misconduct from occurring. The HET is tactically controlled by the battalion's intelligence officer. The HET is operationally controlled by the CIHUMINT Operations Center. The command relationships between the officers in charge of these separate entities were able to ensure theater policy and procedural guidance was followed.

Also, there are some differences in the processes of doctrine between the Marine Corps and the Army. The Army addresses the use of contract interrogators in Appendix K of FM

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<sup>5</sup>Department of the Army, *Detainee Operations Inspection* (Washington, D.C.: GPO, 2004) 30.

2-22.3<sup>6</sup>. The Marine Corps does not use contract interrogators in interrogation operations unless authorized by the Combatant Commander. Furthermore, the newly signed DoD 3115.09 does not authorize the Combatant Commander to employ contract civilians do conduct HUMINT operations in any theater, under any circumstances.

Appendix L, which lists equipment for HCT operations, does not apply to Marine Corps HUMINT Exploitation Teams (HET)<sup>7</sup>. HETs are task organized for mission support. Based upon specific mission requirements, the HET commander will decide what equipment from the Counterintelligence HUMINT Equipment Program (CIHEP) Suite will be necessary for employment. The CIHEP suites are specific to the Marine Corps as a program of record.

The Marine Corps has obligations to man, train, and provide equipment<sup>8</sup>. These obligations are delegated to the Marine Corps under Title X, United States Code of the US Constitution. According to Title X, the Marine Corps must provide the Combatant Commander forces that are trained and equipped, when called upon by the Secretary of Defense. Training responsibility for its HUMINT operators falls upon the Marine

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<sup>6</sup> Headquarters, Department of the Army, Field Manual 2-22.3 HUMINT Collector Operations, (September 2006) K-1.

<sup>7</sup> FM 2-22.3

<sup>8</sup> United States. House. 10 US Code, *Armed Forces*, Washington DC GPO, quoted in *MCDP1-0 Expeditionary Operations*, (Washington DC.: GPO) 1-12.

Corps. The Marine Corps is obligated to train to standards set by the Department of Defense. The Combatant Commander requests forces from the Department of Defense to perform missions within his area of operations. Therefore, it is the responsibility of the Combatant Commander to delineate the type of HUMINT collectors needed for operations in the theater.

The Department of Defense certified the Joint Training-Center of Excellence in Fort Huachuca, Arizona and the Navy Marine Corps Intelligence Training Center, Virginia as the only training centers for DoD Human Intelligence Specialists and officers. Headquarters, Marine Corps Intelligence Department is responsible for ensuring the doctrine, policy, and procedures and DoD established guidelines are followed during initial and sustainment training. Training and Education Command is responsible for training Marines for initial and sustainment training within the HUMINT discipline. Marine Corps Combat Development Command is responsible for defining and integrating intelligence capabilities the Marine Corps' should possess. Thus, MCCDC should be responsible for composing doctrine for the Marine Corps. Coordination between MCCDC and Training and Education Command would enable the seamless integration of proficient, competent collectors into all levels of MAGTF intelligence collection operations.

Due to the high operational tempo of counterinsurgency operations in the Central Command Theater of operations, almost all of the Marine Corps' HUMINT collectors have combat experience. Soon, the numbers of experienced collectors will surpass current doctrine guiding training, staffing, and operations, which only encompasses counterintelligence operations. Marines with OIF and OEF experience in a wide variety of HUMINT operations, such as source operations, interrogations and debriefing, are the best source of information to be incorporated into future doctrine.

Senior officers and staff non-commissioned officers within the Marine Corps' CI/HUMINT community have identified the need for an update to doctrine within the Marine Corps. Even though this recommendation has been forwarded to HQMC, it has fallen upon deaf ears. The need for Marines to have independent doctrine stems from the conduct and management of separate operations at the tactical, operational and strategic levels of war. The unique structure and very nature of the Marine Air Ground Task Force demands that Marine HUMINT specialists be capable of executing tasks given by the MAGTF intelligence officer to support his intelligence collection efforts to fill in gaps of information to aid the commander's critical decision-making process. Without current doctrine, Marines satisfy mission requirements at the risk of policy violations. Policy

violations have legal and political ramifications as evidenced by the amount of legislation Congress has passed during the Global War on Terrorism as a result of the Abu Ghraib violations.

In conclusion, the Marine Corps will need to write its own doctrine to guide CI/HUMINT Marines in expeditionary operations. Regardless of the size of the MAGTF, or the type of operation, CI/HUMINT Marines need be able to operate to continue to provide situational awareness to influence the commander's decision making process. Without doctrine unique to the Marine Corps, with defined limits, MAGTF HUMINT collection operations will continue to be hindered and scrutinized. Intelligence collection operations will continue to be negatively affected.

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