

**Georgetown University (January 2015)**

# Qualitative Transparency: The Coming Revolution in Political Science

**Andrew Moravcsik  
Princeton University**

# Qualitative Transparency: The Coming Revolution in Political Science

1. **Transparency is a norm social scientists share**
2. **Scholars have been thinking about what social scientific transparency is, what it means for qualitative researchers, and how to realize it**
3. **“Active citation” (digitally enabled citation) has emerged as the “default” standard for qualitative transparency**
4. **AC has large benefits and low costs**
5. **Much has been done and it now seems that this is going to happen—so your feedback is valuable NOW!**

Materials available at  
[www.princeton.edu/~amoravcs](http://www.princeton.edu/~amoravcs)  
under “DATA AND METHODS”

## SLIDES FOR THIS LECTURE

## RECENT ARTICLES

*The Political Methodologist* (forthcoming)

*Security Studies* (4/2014)

## APSA DOCUMENTS

*General Changes to Professional Responsibility Guide* (2013)

*Guidelines for Data Access and Research Transparency for Qualitative Research in Political Science* (2013)

*The DA-RT Statement by Journal Editors (with list of member Journals* (17 journals and counting)

# ***What is Research Transparency?***

A disciplinary norm whereby scholars publicize the process by which they reach empirical research conclusions.

In plain English: a norm that obliges scholars to “show their work.”

NB: Related to, but not identical to replicability and reproducibility.

# Transparency as an Ideal

“The idea is to try to give all the information to help others to judge the value of your contribution; not just the information that leads to judgment in one particular direction or another.”



-- Richard P. Feynman

# Transparency as an Ideal

“History has this in common with every other science: that the historian is not allowed to claim any single piece of knowledge, except where he can justify his claim by exhibiting...the grounds upon which it is based [and] what the evidence at his disposal proves.”

-- R. G. Collingwood  
*What is History?*



# Why is Transparency a Consensual Norm?

- 1. Fulfills our ethical responsibility as social scientists**
- 2. Permits readers to appreciate the richness and rigor of research**
- 3. Helps scholars challenge, extend, reuse and improve existing data, analysis and methods**
- 4. Permits social scientists to validate scholarly excellence and expertise**
- 5. Enhances the credibility and legitimacy of social science outside academia**

# ***What is Research Transparency in Political Science?***

For evidence-based knowledge claims, researchers should strive for research transparency. Three dimensions:

- ***Data Transparency:*** Provide access to data.
- ***Analytic Transparency:*** Explicate the link from data to descriptive/causal conclusions.
- ***Process Transparency:*** Reveal procedures used to collect, generate or choose the data, theory, and methods.

# **What does research transparency mean for qualitative research?**

- **Appropriate standards of qualitative transparency should fit:**
  - 1. The distinctive epistemological structure of qualitative research**
  - 2. The distinctive real world constraints qualitative researchers face**

# The Epistemological Structure of Qualitative Research

- **MOST qualitative research in PoliSci is classic case study analysis:**
  - **Relatively few cases**
  - **Process observations and analysis (not dataset observations)**
  - **Textual evidence (not statistics)**

# **The real world constraints on transparency social scientists face fall into 5 categories**

- **Confidentiality/Human Subject Protection**
- **Intellectual Property Law/Confidentiality**
- **Logistical Burdens**
- **First-Use Rights**
- **Publishing Formats**

# Formats and Modes of Qualitative Transparency

- **CONVENTIONAL CITATION**

# Why Conventional Citation as a “Default” Does Not Assure Transparency

- **Word limits**
- **“Scientific” Citations**
- **Lack of *de facto* access to sources via citations**
  - Sloppy citation
  - Non-availability of data
  - Costliness of finding data

→ **Any enhancement must be digital...**

# Formats and Modes of Qualitative Transparency

- CONVENTIONAL CITATION
- HYPERLINKS TO ON-LINE SOURCES

# **Why Hyperlinking as a “Default” Does Not Assure Transparency**

- **Most material cited by political science is not available on line.**
- **Hyperlinks do not enhance analytic or process transparency.**

# Formats and Modes of Qualitative Transparency

- **TRADITIONAL CITATION**
- **HYPERLINKS TO ON-LINE SOURCES**
- **QUALITATIVE DATA ARCHIVING (AND SOFTWARE DATABASES)**

# **Why Archiving as a “Default” Does not Assure Greater Transparency**

- **Much new material cannot be placed on line for intellectual property and/or confidentiality reasons.**
- **Archiving “all” the textual material a scholar examines is sometimes logistically difficult or conceptually unclear.**
- **Archiving does not address analytic transparency.**

# Formats and Modes of Qualitative Transparency

- TRADITIONAL CITATION
- HYPERLINKS TO ON-LINE SOURCES
- QUALITATIVE DATA ARCHIVING (AND SOFTWARE DATABASES)
- **ACTIVE CITATION (AC):** “Digitally enabled citations” linked to annotated source excerpts in an appendix.

# WHAT IS AN ACTIVE CITATION?

**BODY OF ARTICLE  
(Remains Unchanged)**

MAIN TEXT  
Contestable  
Knowledge-based  
Claim

CITATION  
Footnote,  
Endnote or  
In-Text



# WHAT IS AN ACTIVE CITATION?

**BODY OF ARTICLE  
(Remains Unchanged)**

**TRANSPARENCY APPENDIX  
(New)**

MAIN TEXT  
Contestable  
Knowledge-based  
Claim

CITATION  
Footnote,  
Endnote or  
In-Text



# WHAT IS AN ACTIVE CITATION?

**BODY OF ARTICLE  
(Remains Unchanged)**

MAIN TEXT  
Contestable  
Knowledge-based  
Claim

CITATION  
Footnote,  
Endnote or  
In-Text

**TRANSPARENCY APPENDIX  
(New)**

TRANSPARENCY  
APPENDIX ENTRY

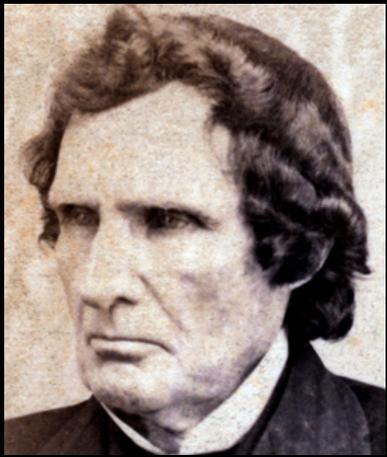
1. Source Excerpt
2. Annotation
3. Full Citation
- [ 4. Optional Scan or Link to Full Source]



# AC and Process Transparency

**Issues: Data selection (“cherry picking”), robustness to theory choice and specification, precise methodological issues, relative weight of evidence.**

- A special “methodological” appendix entry in the first entry of the transparency appendix, at the length of the author’s choice, adds to analysis in the main text.**



~~Tommy Lee Jones~~  
Rep. Thaddeus Stevens  
on the Thirteenth  
Amendment



...according to Steven Spielberg, who got it from historian Fawn Brodie (1959), who got it from popular lecturer James Scovel (1898)...

“The greatest measure of the nineteenth century was passed by corruption, aided and abetted by the purest man in America.”

# An Example of AC: Main Text and FN

In Steven Spielberg's recent film *Lincoln*, the abolitionist Rep. Thaddeus Stevens (played by Tommy Lee Jones) returns home after the House of Representatives passed the Thirteenth Amendment (banning slavery). He utters the a striking phrase to his mulatto common-law wife, Lydia Smith, referring to Lincoln's role in the passage of the amendment: "The greatest measure of the nineteenth century [was] passed by corruption, aided and abetted by the purest man in America." The accuracy of this quotation has been questioned. One account, written much later, suggests that Stevens said this. Yet, if he did, it seems highly unlikely that he did so at home to his companion.

FN: [James Scovel, "Thaddeus Stevens," \*Lippincott's Monthly Magazine\* \(April 1898\), pp. 548-550.](#)

## **AC ENTRY Part 1 of 4: Textual Excerpt**

**To the writer of this sketch Mr. Stevens told the story of the legislation which gave to the black man his right to vote: ... [548]**

**His favorite amusement was...to spend the evening at Hall and Pemberton's Faro Bank...and over canvas-back and Veuve Clicquot champagne woo unmolested the goddess of fortune....Stevens was never a heavy player, although I have seen him win fourteen hundred dollars on a twenty-dollar gold-piece as his only stake... [549]**

**Influence from the White House secured votes against a favorite measure of Mr. Stevens for an air-line railway from Washington to New York, and...these same votes helped Mr. Lincoln's great amendment for emancipation. Of this legislative bargain Stevens said, 'The greatest measure of the nineteenth century was passed by corruption, aided and abetted by the purest man in America.'**

**During the last thirty years of his life its unwritten romance was the unselfish and tender devotion with which Stevens was attended by Lydia Smith, a mulatto, who in her youth had great beauty of person. [550]**

## **AC ENTRY Part 2 of 4: Annotation**

The first published reference to Steven's "corruption" statement appeared in 1898. James M. Scovel, a retired New Jersey politician and lawyer, quotes Stevens verbatim and links the reference to corruption to Lincoln's willingness to secure votes for the Thirteenth Amendment by trading votes against a direct NY to Washington railway. Is he reliable on this point? On the positive side, Scovel's account contains specific details, including a story Stevens allegedly told him about the passage of the Fifteenth Amendment and an anecdote about witnessing Stevens gamble. We know Scovel and Stevens were political allies, and Stevens encouraged Scovel to run for Congress. A modest correspondence has been preserved. On the negative side, Scovel was hardly in Washington during the Lincoln Administration, and only published his recollections 33 years later, when he was making a living as a lecturer. In any case, Scovel's account does not imply any connection between the quotation and Lydia Smith, Stevens' common-law wife, though she is mentioned. Nor is it clear how anyone except Smith herself, who left no memoirs, would know if Stevens had said it to her alone.

# AC ENTRY

## Part 3 of 4: Full Citation

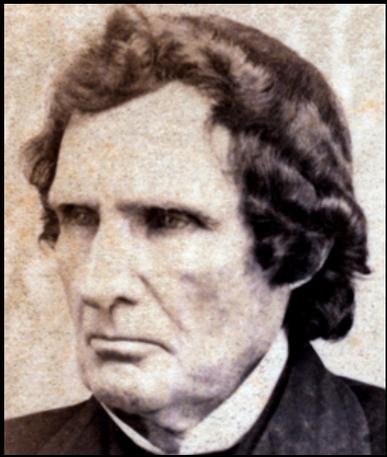
**James Scovel, “Thaddeus Stevens,” *Lippincott’s Monthly Magazine* (April 1898), pp. 548-550.**

# AC ENTRY

## Part 4 of 4: Scan or Link (Optional)

Influence from the White House secured votes against a favorite measure of Mr. Stevens for an air-line railway from Washington to New York, and, as the Rialto of Congress "hath its merchandise," these same votes helped Mr. Lincoln's great amendment for emancipation. Of this legislative bargain Stevens said, "The greatest measure of the nineteenth century was passed by corruption, aided and abetted by the purest man in America."

During the last thirty years of his life its unwritten romance was the unselfish and tender devotion with which Stevens was attended by Lydia Smith, a mulatto, who in her youth had great beauty of person. Her fidelity to his interests ended only with his death. He left her five thousand dollars in his will, but she had improved her opportunities and by prudent investments in Washington real estate amassed a considerable fortune. She purchased Stevens's old home in Lancaster, a two-story brick house, in which he lived till his constituents, grateful for his fidelity, returned him to Congress in 1859.



## Three Dimensions of Research Transparency



A transparent assessment of Stevens' quote rests on:

Data Transparency → *The text*

Analytic Transparency →  
*Interpretation of the text in historical context*

Process Transparency →  
*Selection, reliability and robustness of the text  
and analytic methods*

# Why is Transparency a Consensual Norm?

- 1. Fulfills our ethical responsibility as social scientists**
- 2. Permits readers to appreciate richness and rigor of research**
- 3. Helps scholars challenge, extend, reuse, improve and transcend existing data, analysis and methods**
- 4. Permits social scientists to validate scholarly excellence and expertise**
- 5. Enhances the credibility and legitimacy of political science outside academia**

# Why is Transparency a Consensual Norm?

1. **Fulfills our ethical responsibility as social scientists**

## **Some Benefits of Qualitative Transparency**

**2. Readers can better appreciate the richness and rigor of qualitative research**

- **AC offers one-click access to:**
  - 1. Data in which political actors speak in their own voices**
  - 2. Scholarly analysis and interpretations**
  - 3. Methodological (process) information**

# Some Benefits of Qualitative Transparency

Readers can better appreciate the richness and rigor of qualitative research

- AC offers one-click access to:
  1. Data in which political actors speak in their own voices
  2. Scholarly analysis and interpretations
  3. Methodological (process) information

## **3. Qualitative Scholars can better challenge, extend, reuse, improve and transcend existing data, analysis and methods**

- Data, analysis and methods become public goods
- More robust debate and improvement ensue
- Examination by self and colleagues incentivizes richness and rigor
- Creates incentives to innovate and improve methods and skills (e.g. area studies, functional knowledge, qualitative methods, interpretive ability)

# Some Benefits of Qualitative Transparency

Readers can better appreciate the richness and rigor of qualitative research

- AC offers one-click access to:
  1. Data in which political actors speak in their own voices
  2. Scholarly analysis and interpretations
  3. Methodological (process) information

Qualitative Scholars can better challenge, extend, reuse, improve and transcend existing data, analysis and methods

- Data, analysis and methods become public goods
- Examination by self and colleagues incentivizes richness and rigor
- Creates incentives to innovate and improve methods and skills (e.g. area studies, functional knowledge, qualitative methods, interpretive ability)

## 4. Permits qualitative scholars to validate scholarly excellence and expertise

- Disciplinary acknowledgement of merit (NB: applies to 80-90% of scholars)
- Greater demand for expert gatekeepers (e.g. publishing, evaluating)

# Some Benefits of Qualitative Transparency

**Readers can better appreciate the richness and rigor of qualitative research**

- AC offers one-click access to:
  1. Data in which political actors speak in their own voices
  2. Scholarly analysis and interpretations
  3. Methodological (process) information

**Qualitative Scholars can better challenge, extend, reuse, improve and transcend existing data, analysis and methods**

- Data, analysis and methods become public goods
- Examination by self and colleagues incentivizes richness and rigor
- Creates incentives to innovate and improve methods and skills (e.g. area studies, functional knowledge, qualitative methods, interpretive ability)

**Permits qualitative scholars to validate scholarly excellence and expertise**

- Disciplinary acknowledgement of merit (NB: applies to 80-90% of scholars)
- Greater demand for expert gatekeepers (e.g. publishing, evaluating)

## **5. Enhances the credibility and legitimacy of qualitative research outside political science**

- Interdisciplinary research (e.g. Law, History, Public Policy, Sociology)
- Policy Analysis
- Funders and the Public

# Benefits of Qualitative Transparency

## **Fulfills our ethical responsibility as social scientists**

### **Readers can better appreciate the richness and rigor of qualitative research**

- AC offers one-click access to:
  1. Data in which political actors speak in their own voices
  2. Scholarly analysis and interpretations
  3. Methodological (process) information

### **Qualitative Scholars can better challenge, extend, reuse, improve and transcend existing data, analysis and methods**

- Data, analysis and methods become public goods
- Examination by self and colleagues incentivizes richness and rigor
- Creates incentives to innovate and improve methods and skills (e.g. area studies, functional knowledge, qualitative methods, interpretive ability)

### **Permits qualitative scholars to validate scholarly excellence and expertise**

- Disciplinary acknowledgement of merit (NB: applies to 80-90% of scholars)
- Greater demand for expert gatekeepers (e.g. publishing, evaluating)

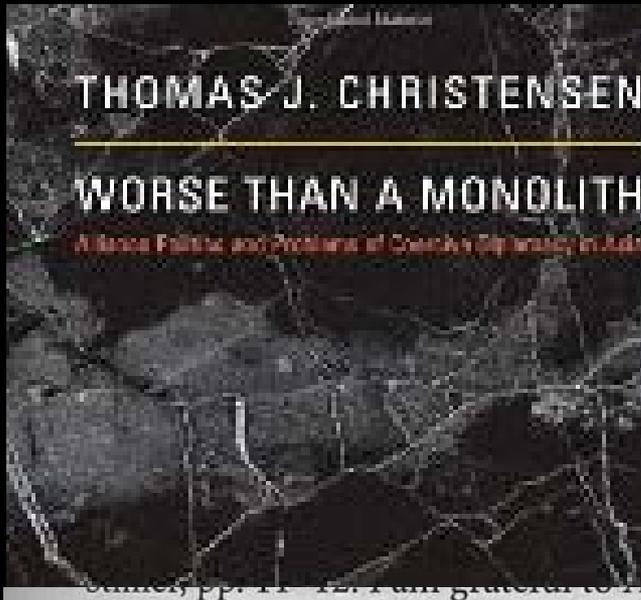
### **Enhances the credibility and legitimacy of qualitative research outside political science**

- Interdisciplinary research (e.g. Law, History, Public Policy, Sociology)
- Policy Analysis
- Funders and the Public

# **The Costs of Transparency are Modest**

**1) Some political scientists already do it**

# Best Practices: Political Science



ments reveals that the Soviets apparently believed that Zhou's complaint about Pyongyang's intentional exclusion of Beijing from the decision process was quite justified. In an initial draft of a September 20 telegram to China on the subject, Gromyko criticized as "entirely mistaken" the North Korean leadership's reluctance to "conscientiously inform the Chinese Comrades of the military situation and all the decisions the Korean commanders and political leadership made regarding issues arising in the course of military operations." In this initial draft Gromyko wrote that he believed that Kim Il-sung himself "must correct this point." Gromyko did not, however, transmit this draft to Beijing. The telegram that was actually sent was quite different and was almost certainly geared toward manipulation of the alliance to minimize China's anger at Pyongyang and to maximize the chance that Beijing would still come to its defense if and when needed. In the revised telegram the situation is described more neutrally as "not right" (or "abnormal") but then is quickly explained away by reference to the "weak links" that the central command in North Korea has with its front lines. Gromyko says this situation arose because of technical difficulties not because the "Korean Comrades are unwilling" to share information with the Chinese.<sup>38</sup>

Christensen, pp. 11–12. I am grateful to Andrew Kennedy for calling this last work to my attention.

<sup>38</sup> "Geweimike Guanyu Dui Zhou Enlai de Dafu Zhi Weishen Dian" [Gromyko's Telegram to Roschin Regarding a Reply to Zhou Enlai], Sept. 20, 1950, in Shen, ed. *Chaoxian Zhazheng*, 2:542–44. Shen offers full texts of both the telegram as sent and the original draft. Mansourov, "Stalin, Mao, Kim," 7, discusses only the final draft and describes it as a telegram from Stalin, rather than Gromyko. Moreover he seems to take at face value the explanations of the "abnormal" conditions in which Kim Il-sung is unable to inform his Chinese comrades of his activities. In the Chinese version of the original draft, the situation is described as something Kim Il-sung can fix and as *wanquan cuowu de* (totally mistaken), as opposed to the final version's *bu zhengque de* (not right), translated as "abnormal" by Mansourov.

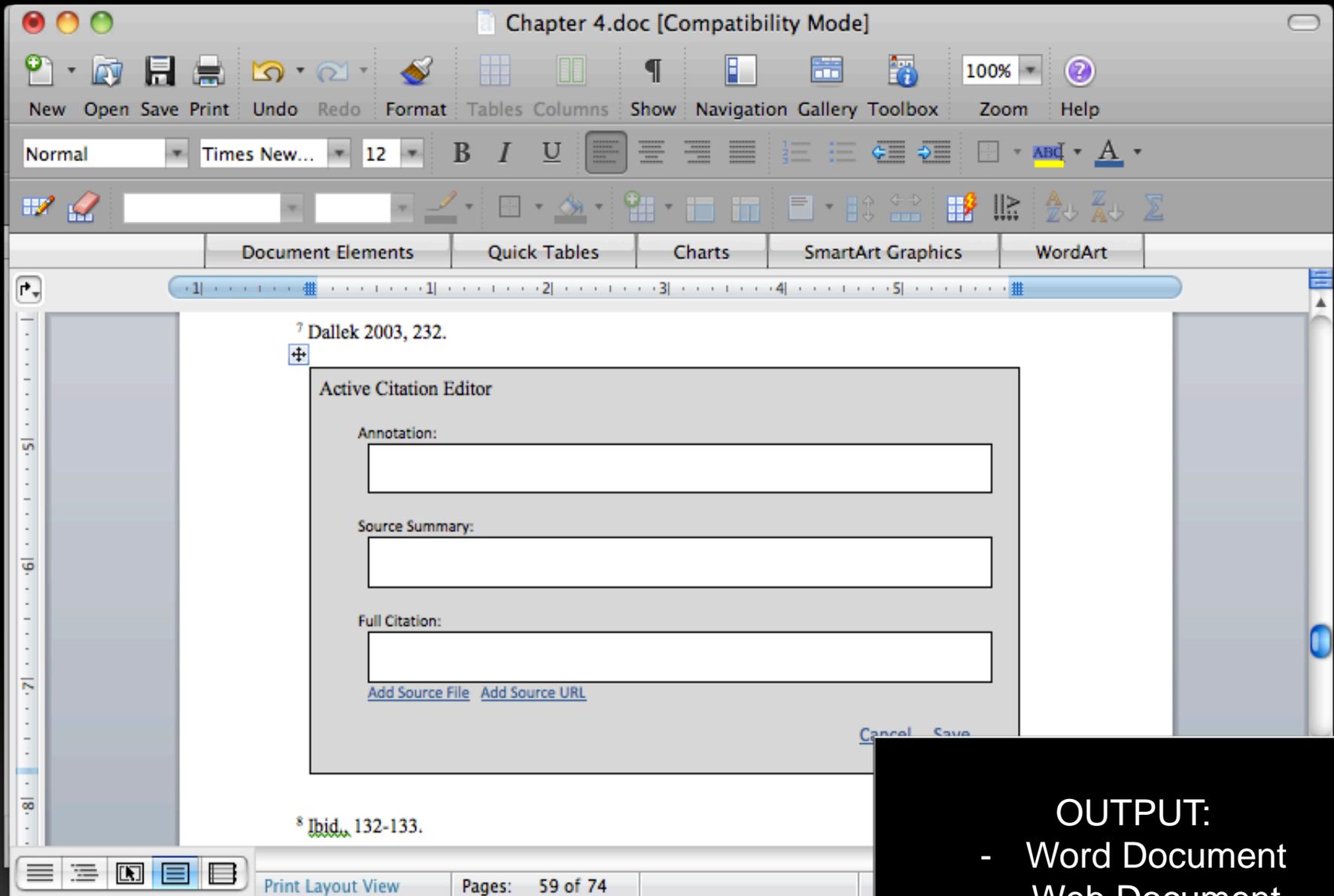
# The Costs of Transparency are Modest

- 1) Some political scientists already do it
- 2) Only “contestable empirical claims”
- 3) Length of quotations and annotations is discretionary.
- 4) Modern technology + advance planning lighten the load.
- 5) Writers, editors and publishers keep existing formats.
- 6) Standard practice in other disciplines (law, history, classics), political science (once upon a time), as well as journalism, policy and the web. *Indeed, in this sense, AC is a very modest proposal!*

# **Qualitative Transparency: It is happening...**

- **Sponsored Articles/Workshops/Special Issues on Conceptual and Practical Issues (Funding from IQMR, NSF, APSA, ISPR)**
- **Developed Active Citation (AC)**
- **Established a Qualitative Data Repository (QDR) at Syracuse U.**
- **Revised APSA Norms and Guidelines (Quant and Qual)**
- **Created NSF/QDR On-line Demonstration Portal: 20+ scholars retrofitting “classic” and forthcoming research to AC (e.g. Snyder, Saunders, Boix)**
- **Designed New Software**

# ACE Word Add-in



- OUTPUT:
- Word Document
  - Web Document
  - Database (Access, Atlas...)

# Qualitative Transparency: It is happening...

- **Sponsored Articles/Workshops/Special Issues on Conceptual and Practical Issues (Funding from IQMR, NSF, APSA, ISPR)**
- **Developed Active Citation (AC)**
- **Established a Qualitative Data Repository (QDR) at Syracuse U.**
- **Revised APSA Norms and Guidelines (Quant and Qual)**
- **Created NSF/QDR On-line Demonstration Portal: 20+ scholars retrofitting “classic” and forthcoming research to AC (e.g. Snyder, Saunders, Boix)**
- **Designed New Software**
- **Developed Training Materials and Sessions at Qualitative/Multi-Method Institute and various universities**
- **17 journals (and counting) have agreed to a qual/quant package, to be implemented in January 2016**

# Journal Adoption (Oct 2015-Jan 2016)

- **American Political Science Review**
- **Journal of Conflict Resolution**
- **Comparative Political Studies**
- **International Security**
- **Political Analysis**
- **Research and Politics**
- **State Politics and Policy Quarterly**
- **Political Science Research and Methods**
- **Journal of Theoretical Politics**
- **Quarterly Journal of Political Science**
- **Political Behavior**
- **The Political Methodologist**
- **Italian Political Science Review / Rivista Italiana di Scienza Politica**
- **Journal of Peace Research**
- **European Union Politics**
- **International Interactions**
- **British Journal of Political Science**

# Active Citation: The Future Agenda

- **Manage transition to 1/2016 journal launch:**
  - Increase Number of Journals (especially qualitative)
  - International Outreach
  - Manage Training Sessions
  - Refine Guidance (in Consultation with Editors and Scholars)
- **Pursue interdisciplinary cooperation: “best practices,” coordination, etc. (SSRC, BITSS, COSSA)**
- **Refine practices and infrastructure for archiving and databasing qualitative Materials**
- **Work with software providers (e.g. database software)**
- **Develop more classroom material and research guidance**
- **Reach outside academia**

Bottom Line:  
This is going to happen!

# Best Practices: Natural Science

Example: When did  
Polar Bears Evolve?

[Article](#)

[Supplementary Materials](#)



# Best Practices: Legal Academia (Yale On-Line Law Review)

be going through at the present moment.

For reasons that I will explain in this Essay, I believe that we may be undergoing a transformation that is every bit as fundamental as those that we once went through when first transitioning from hunter-gatherer forms of life (which did not yet have legal systems or engage a distinctive sense of legal obligation<sup>2</sup>) to more sedentary forms of agricultural living with larger population densities, incipient domestic legal institutions, and—ultimately—an emergent distinction between morality and law.<sup>3</sup> We are so used to where we are today, however, that we sometimes forget what it took to get us here, and it can be especially difficult to see what is happening when we are right in the midst of such a process. I have nevertheless made some recent efforts to reconstruct that earlier process, and my examinations suggest that the transformation was not likely based in reasoning alone, but rather emerged as part of a larger set of sociocultural and linguistic developments among a small handful of cultural traditions at first. These developments began the transition in the ancient world and then caused it to spread thereafter to many other regions.<sup>4</sup> The relevant processes appear to have involved the slow coevolution of a specific and reciprocally reinforcing set of institutions and practical attitudes within these pioneering cultural traditions, which were sufficient to maintain distinctively new legal orders—along with a distinctive and emergent sense of domestic legal obligation to animate them—in equilibrium.<sup>5</sup>

Over the last several centuries, an analogous transformation has—in my view—been taking place with respect to the emergence of international law. More specifically, I believe that the phenomena that Hathaway and Shapiro have recently called “outcasting” have been coevolving with, and helping to produce the emergence and stability of, a distinctive set of practical attitudes in us. These practical attitudes have, in turn, begun to infuse us with a special sense of international legal obligation, which is capable of animating both those same outcasting practices and an emergent international legal order. Although this process is not yet complete, it would appear to be picking up steam, and—given its importance to our contemporary world—we need to understand this transformation as the focus of current international legal scholarship in several countries.

In Part I, I will employ contemporary devices in metaethics to ask whether international law is law. Although some people take this question to have been asked of domestic law when domestic legal systems were first emerging, the question would have undoubtedly seemed (and probably also seems) to have been asked of international law at the time. In many regions of the world, the domestic version of this question has been asked and answered many times now,<sup>8</sup> and I therefore want to get a better sense of what might be the answer to that question. Examinations of this kind can help clarify the question not only in the case of domestic but also in the case of international law.

The metaethical discussions in Part I will isolate one distinctive dimension of international law: its normative dimension. Because international law is law, which is an inherently normative dimension because

Ian Shapiro

Thursday, 21 February 2013

**Equality's Frontiers:  
How Congress's Section  
5 Power Can Secure  
Transformative Equality  
(as Justice Ginsburg  
Illustrates in Coleman)**

Reva B. Siegel

Thursday, 21 February 2013

**Sex Equality's Inner  
Frontier: The Case of  
Same-Sex Marriage**

Kenji Yoshino

Thursday, 21 February 2013

## YALE LAW JOURNAL ONLINE ARCHIVE

Volume 122

11

### Footnote 6

Close

“Metaethics is the attempt to understand the metaphysical, epistemological, semantic, and psychological[] presuppositions and commitments of moral thought, talk, and practice.” Geoff Sayre-McCord, *Metaethics*, STANFORD ENCYCLOPEDIA OF PHILOSOPHY (Aug. 29, 2008), <http://plato.stanford.edu/archives/fall2008/entries/metaethics>; see also Stephen Darwall, Allan Gibbard & Peter Railton, *Toward Fin de siècle Ethics: Some Trends*, in MORAL DISCOURSE AND PRACTICE: SOME PHILOSOPHICAL APPROACHES 3, 7 (1997), available at <http://philosophyfaculty.ucsd.edu/faculty/dbrink/courses/other%20pdf%20articles/DarwallGibbardRailton.pdf> (“We use this term broadly, not assuming that one can avoid normative commitments in doing metaethics and not restricting metaethics to the analysis of moral language; we include under ‘metaethics’ studies of the justification and justifiability of ethical claims as well as their meaning, and also the metaphysics and epistemology of morals, and like matters.”).

# Best Practices: Policy Analysis

“High-Value Detainee” Program and Secret Prisons | Andy Worthington - Mozilla Firefox

00041a - mediationP.pdf x The Rise and Fall of the Great Pow... x (1) Classical Music Concerts Londo... x Correspondence: Brother, Can You... x Search Page x conceptualStretchingRevisited.pdf x

15/un-secret-detention-report-part-one-the-cias-high-value-detainee-program-and-secret-prisons/

Next post Previous post

## UN Secret Detention Report (Part One): The CIA’s “High-Value Detainee” Program and Secret Prisons

15.6.10



To complement my recent article, “[UN Human Rights Council Discusses Secret Detention Report](#),” in which I explained how, two weeks ago, the UN Human Rights Council had — after some delays — finally discussed the findings of the “Joint Study on Global Practices in Relation to Secret Detention in the Context of Counter-Terrorism,” a detailed, 186-page report issued in February ([PDF](#)), I’m posting the section of the report that deals with US secret detention policies since the 9/11 attacks, in the hope that it might reach a new audience — and provide useful research opportunities — as an HTML document.

I do, however, urge everyone to read the whole report, because the introduction and conclusions are important, as are the sections establishing the legal approach to secret detention and its historical context, the section detailing current practices in 25 other countries worldwide, and the annexes, which contain government responses to a questionnaire about secret detention, and a number of case studies.

Given the length of this section of the report (pp. 43-89), I’m publishing it in three parts. The first, published below, provides an introduction, and deals with “The ‘high-value detainee’ programme and CIA secret detention facilities,” the [second](#) looks at “CIA detention facilities or facilities operated jointly with United States military in battlefield zones,” and the [third](#) looks at “Proxy detention sites,” “Complicity in the practice of secret detention” and “Secret detention and the Obama administration.”

Please note that I have inserted hyperlinks where possible. However, the original report contains footnotes, and not all of these provide links to websites. In most cases, I have added the information contained in the footnotes in square brackets, but for full details, please see the original.

### Excerpts from the UN “Joint Study on Global Practices in Relation to Secret Detention in the Context of Counter-Terrorism,” February 2010

Prepared by Martin Scheinin, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Manfred Nowak, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Shaheen Ali, the vice-chair of the Working Group on arbitrary detention, and Jeremy Sarkin, the chair of the Working Group on enforced or involuntary disappearances.

#### IV. SECRET DETENTION PRACTICES IN THE GLOBAL “WAR ON TERROR” SINCE 11 SEPTEMBER 2001

98. In spite of the prominent role played by the United States of America in the development of international human rights and humanitarian law, and its position as a global leader in the protection of human rights at home and abroad following the terrorist attacks on New York and Washington, D.C. on 11 September 2001, the United States embarked on a process of reducing and removing various human rights and other protection mechanisms through various laws and administrative acts, including the [Authorization for Use of Military Force](#), the USA Patriot Act of 2001, the Detainee Treatment Act of 2005, the Military Commissions Act of 2006 (which sought to remove habeas corpus rights), as well as various executive orders and memoranda issued by the Office of Legal Counsel that interpreted the position of the United States on a number of issues, including torture. It also sanctioned the establishment of various classified programmes much more narrowly than before [A/HRC/6/17/Add.3, para. 3].

99. The Government of the United States declared a global “war on terror”, in which individuals captured around the world were to be held neither as criminal suspects, put forward for federal court trials in the United States, nor treated as prisoners of war protected by the Geneva Conventions, irrespective of whether they had been captured on the battlefield during what could be qualified as an armed conflict in terms of international humanitarian law. Rather, they were to be treated indiscriminately as “unlawful enemy combatants” who could be held indefinitely without charge or trial or the possibility to challenge the legality of their detention before a court or other judicial authority.

100. On 7 February 2002, the President of the United States issued a memorandum [[PDF](#)] declaring that “common article 3 of Geneva does not apply to either Al-Qaida or Taliban detainees”, that “Taliban detainees are unlawful combatants and, therefore, do not qualify as prisoners of war under article 4 of Geneva”, and that “because Geneva does not apply to our conflict with Al-Qaida, Al-Qaida detainees also do not qualify as prisoners of war”. This unprecedented departure from the Geneva Conventions was to be offset by a promise that, “as a matter of policy, the United States Armed Forces shall continue to treat detainees humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of Geneva”. This detention policy was defended by the Government in various submissions to the United Nations [See for example CCPR/C/USA/CO/3/Rev.1/Add.1, p. 3; A/HRC/4/41, paras. 453 - 455; and A/HRC/4/40, para. 12], including on 10 October 2007, when the Government stated that the law of war, and not the International Covenant on Civil and Political Rights, was the applicable legal framework governing the detentions of “enemy combatants” [CCPR/C/USA/CO/3/Rev.1/Add.1, p. 3], and

vious Highlight all Match case

100%

# Journalism



“I think the web's norms of linking to sources are becoming the world's norms. And the more transparent we are, the more trustworthy we will be.”

-- Brian Seltzer, CNN *Reliable Sources*

# The New York Times

JUNE 5, 2014

## ***G.M. Inquiry Cites Years of Neglect Over Fatal Defect***

By **BILL VLASIC**



General Motors Chief Executive Officer Mary T. Barra with Executive Vice President Mark Reuss, right, and President Dan Ammann during a news conference on Thursday in Warren, Mich. Credit: Fabrizio Costantini for The New York Times

WARREN, Mich. — A sweeping internal investigation of General Motors released on Thursday condemned the company for its decade-long failure to fix a deadly safety defect, one that led to “devastating consequences,” including at least 13 deaths.

[The report](#), written by the former United States attorney Anton R. Valukas, set off the dismissal of 15 G.M. employees, including a vice president for regulatory affairs and a senior lawyer responsible for product liability cases, and forced broad changes in how the company handles vehicle safety.

...

Everyday  
Journalism

## BUSINESS DAY

The results of an investigation overseen by Anton R. Valukas, a former United States attorney, into the company's handling of a defective ignition switch. JUNE 5, 2014

[RELATED ARTICLE](#)

# Journalism

The screenshot shows a PDF viewer interface. At the top, there are tabs for 'DOCUMENT', 'PAGES', and 'TEXT', along with a 'Zoom' control and a search bar. The main content area displays a document page with the following text:

p. 3

**REPORT TO BOARD OF DIRECTORS OF  
GENERAL MOTORS COMPANY  
REGARDING IGNITION SWITCH RECALLS**

May 29, 2014

Anton R. Valukas  
**JENNER & BLOCK**

Privileged and Confidential:  
Protected by Attorney-Client Privilege and as Attorney Work Product

On the right side of the viewer, there is a navigation bar showing 'Page 1 of 325' and a 'DocumentCloud' logo. Below the navigation bar, there is a link for 'Original Document (PDF) »' and a note 'Contributed by: NYT News, The New York Times'.



## SITUATION REPORT

Sign up for our daily e-mail newsletter

DEPT OF SECRETS | PRINT | TEXT SIZE | EMAIL | REPRINTS | SINGLE PAGE

### A Classified CIA Mea Culpa on Iraq

In this exclusive from the National Security Archive, a secret agency report on its WMD failures is published for the first time.

BY TOM BLANION | SEPTEMBER 3, 2012

This remarkable CIA mea culpa, just declassified this summer and published here for the first time, describes the U.S. intelligence failure on Iraq's non-existent weapons of mass destruction as the consequence of "analytic liabilities" and predispositions that kept analysts from seeing the issue "through an Iraqi prism." The key findings presented in the first page-and-a-half (the only part most policymakers would read) are released almost in full, while the body of the document looks more like Swiss cheese from the many redactions of codewords, sources, and intelligence reports that remain classified even today, seven years after the Iraq Survey Group reported to the Director of Central Intelligence how wrong the previous assessments had been. The key findings do not contain the most striking sentences; instead, these are tucked into the tail-end of the document. For example, on page 14, the assessment reports, "Given Iraq's extensive history of deception and only small changes in outward behavior, analysts did not spend adequate time examining the premise that the Iraqis had undergone a change in their behavior, and that what Iraq was saying by the end of 2005 was, for the most part, accurate." On page 16, going even further, the assessment says, "Analysts tended to focus on what was most important to us -- the hunt for WMD -- and less on what would be most important for a paranoid dictatorship to protect. Viewed through an Iraqi prism, their reputation, their security, their overall technological capabilities, and their status needed to be preserved. Deceptions were perpetrated and detected, but the reasons for those deceptions were misread."

At the National Security Archive, we first saw a reference to this CIA Retroactive Series document in a footnote to a Senate Intelligence Committee report in September 2006, so we immediately filed a Mandatory Declassification Review request for this specific item (MDRs often move through the backlogged declassification system faster than Freedom of Information requests when you have this kind of exact title and date reference to cite). Still, the CIA took almost six years to release the report. How many years to learn the lessons?

COMMENTS (0)

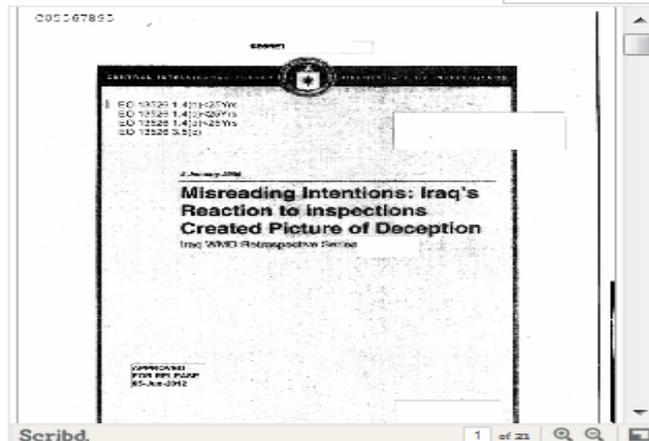
SHARE:



Tumblr

Reddit

More...



#### INSIDE FP NATIONAL SECURITY

- The Best Defense**  
Tom Ricks's take on national security
- The E-Ring**  
Inside the Pentagon's power corridors
- Killer Apps**  
National security in the cyber age

Gordon Adams | John Arquilla | David Barno | Ross Brubaker | Jeffrey Leva | Amy Zapert | Michael Zenko | Situation Report | Latest Articles

Newsletter Signup

FP ON FACEBOOK

#### Most Popular on FP

1. Why the Sheikhs Will Fail
2. Conversations with the General
3. Osama's Syria Dilemma
4. The Safe Haven Next Door
5. Paper Tiger
6. Assad's Chemical Romance
7. How to Save the Republican Party
8. The One-Man Show

#### TODAY'S FP COVER



#### FLASH POINTS

**ARGUMENT**  
How Somalia's  
became an oasis of  
peace in the Horn  
of Africa

BY COLUMBIA  
MOHAMMAD ELANY

**ARGUMENT**  
For Gulf  
monarchs, the  
Arab Spring is just  
around the corner

BY COLUMBIA  
MOHAMMAD ELANY

MORE

#### PHOTO ESSAYS

See All Photo Essays

# Best Practices: Specialized Journalism

Wonkblog

# Is it really the GOP's anti-immigration stances that turn off Latinos?



By [Dan Hopkins](#) June 16, 2013 ▾

*Poli-Sci Perspective is a weekly Wonkblog feature in which Georgetown University's [Dan Hopkins](#) and George Washington University's [Danny Hayes](#) and [John Sides](#) offer an empirical perspective on the issues dominating Washington. In this edition, Hopkins looks at the relationship between Republican opposition to immigration and the party's troubles with Latino voters. For past posts in the series, head [here](#).*

Pundits [left](#) and [right](#) have embraced the notion that the Republican Party has a strong political interest in

## Most Read [Business](#)

1 Let's talk seriously about why cyclists break traffic laws



2 Most of America's rich think the poor have it easv



# Blogs

# Government Reports

(even Classified Intelligence  
Estimates and Briefings)

**Georgetown University (January 2015)**

# Qualitative Transparency: The Coming Revolution in Political Science

**Andrew Moravcsik  
Princeton University**