



How the U.S. Army's Field Manual Codified Torture -- and Still Does

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In early September 2006, the U.S. Department of Defense, reeling from at least a dozen investigations into detainee abuse by interrogators, released Directive 2310.01E. This directive was advertised as an overhaul and improvement on earlier detainee operations and included a newly rewritten Army Field Manual for Human Intelligence Collector Operations (FM-2-22-3). This guidebook for interrogators was meant to set a humane standard for U.S. interrogators worldwide, a standard that was respectful of the Geneva Conventions and other U.S. and international laws concerning treatment of prisoners.

While George W. Bush was signing a presidential directive allowing the CIA to conduct other, secret "enhanced interrogation techniques," which may or may not have included waterboarding, the new AFM was sold to the public as a return to civilized norms, in regards to interrogation.

Before long, opponents of U.S. torture policy were championing the new AFM as an appropriate "single-standard" model of detainee treatment. Support for implementing the revised AFM, as a replacement for the hated "enhanced" techniques earlier championed by Defense Secretary Donald Rumsfeld and the CIA, began to appear in legislation out of Congress, in the literature of human-rights organizations and in newspaper editorials. Some rights groups have felt the new AFM offered some improvements by banning repellent interrogation tactics, such as waterboarding, use of nudity, military dogs and stress positions. It was believed the AFM cemented the concept of command responsibility for infractions of the law.

There was only one problem: the AFM did not eliminate torture. Despite what it

said, it did not adhere to the Geneva Conventions. Even worse, it took the standard operating procedure of Camp Delta at Guantanamo Bay and threatened to expand it all over the world.

The President of the National Lawyers Guild Marjorie Cohn has stated that portions of the AFM protocol, especially the use of isolation and prolonged sleep deprivation, constitutes *cruel, inhuman or degrading treatment or punishment* and is illegal under the Common Article 3 of the Geneva Conventions, the U.N. Convention Against Torture and the International Covenant on Civil and Political Rights. Hina Shamsi, an attorney with the ACLU's National Security Project, has stated that portions of the AFM are "deeply problematic" and "would likely violate the War Crimes Act and Geneva," and at the very least "leave the door open for legal liability." Physicians for Human Rights and the Constitution Project have publicly called for the removal of problematic and abusive techniques from the AFM.

Yet, the interrogation manual is still praised by politicians, including then-presidential candidate Barack Obama, who in December 2007 said he would "have the Army Field Manual govern interrogation techniques for all United States Government personnel and contractors."

Viral Instructions for a Torture Paradigm

I call the covert actualization of torture in current Department of Defense interrogation policy the "viralization" of the Army Field Manual. Just as a computer virus inserts a seemingly harmless set of instructions or code into a computer's operating system, unnamed four-star combatant commanders insisted that a special "interrogation-control technique" be inserted into the new manual. In a computer, viral instructions morph into a destructive set of routines, which replicate and continue to pass the tainted instructions on to uninfected users.

The viral instructions in the AFM transform into an abusive and illegal torture program. Most of these "instructions" can be found hidden in the proverbial fine print of the document, in its very last appendix, labeled with no apparent irony as regards the mythology of James Bond, Appendix M.

Appendix M, titled "Restricted Interrogation Technique -- Separation,"

misrepresents itself from the very beginning. (One wonders if it was rewritten from an earlier draft, at a time when the Pentagon wanted to keep these procedures classified.) It is not actually a technique (singular), but a set of techniques, though one has to read deeply into its 10 pages of text and be somewhat sophisticated in the history of psychological torture procedures, to assemble a full view of the viral program.

This program is nothing less than the one established in researcher Albert Biderman's Chart of Coercion, which, as revealed by the recent Senate Armed Services Committee investigation into detainee abuse, was the blueprint used by SERE instructors at Guantanamo in late 2002 to teach abusive interrogation techniques. (SERE stands for Survival, Evasion, Resistance, Escape and is the military program to "inoculate" certain military personnel against torture or abusive treatment by an enemy that doesn't recognize Geneva protocol.)

The committee's investigations, along with an DOD Office of Inspector General report released last year, definitively proved that SERE instructors, some of whom were military psychologists who also worked as contract personnel for the CIA, reverse-engineered SERE's didactic and experiential program meant to protect U.S. POWs for use as torture on detainees at Guantanamo, Iraq and Afghanistan.

Army G-2 senior intelligence officer Lt. Gen. Jeff Kimmons described the "technique" of separation at a DOD briefing on Sept. 6, 2006, unveiling the "new" AFM:

...we include one restricted technique called separation, for use on a by-exception basis only with unlawful enemy combatants. That is, it's not authorized for use on prisoners of war and other protected persons.

Separation allows interrogators to keep unlawful enemy combatants apart from each other as a normal part of the interrogation process, so they can't coordinate their stories and so that we can compare answers to questions that interrogators have posed to each other without there having been collusion. It's for the same reason that police keep murder suspects separated while they're questioning them, although this is within an interrogation context.

Separation meets the standard for humane treatment, the single standard that exists across DOD, and it is enshrined in this manual.

This description is inconsistent with the explanation for separation given in the current Army Field Manual. Separation is not about the "normal interrogation process":

The use of separation should not be confused with the detainee-handling techniques approved in Appendix D. Specifically, the use of segregation during prisoner handling (Search, Silence, Segregate, Speed, Safeguard and Tag) should not be confused with the use of separation as a restricted interrogation technique....

Separation should be used as part of a well-orchestrated strategy involving the innovative application of unrestricted approach techniques. Separation requires special approval, judicious execution, special control measures and rigorous oversight.

Analyzing "Separation"

What kind of procedures, which the manual avers cannot be used on regular prisoners of war (who are covered by the Geneva Convention Relative to the Treatment of Prisoners of War), make up this special interrogation "technique," separation? In fact, it includes the following: solitary confinement, perceptual or sensory deprivation, sleep deprivation, the induction of fear and hopelessness, and the likely use of sensory overload, temperature or environmental manipulation, and any number of other techniques permitted elsewhere in the AFM, such as "Emotional Pride Down." As at Guantanamo and at prisons in Iraq and Afghanistan, a "multidisciplinary" team implements the program, including a behavioral science consultant (likely a psychologist).

The primary technique of the separation procedure is the physical isolation of the prisoner for up to 30 days, with further isolation possible upon approval of higher-ups. According to scientific expert Stuart Grassian, the use of isolation, or solitary confinement, causes "severe psychiatric harm." Some detainees will "suffer permanent harm as a result of such confinement." As long ago as 1961, psychiatrist

Lawrence Hinkle Jr. wrote in a textbook on interrogations (emphasis added):

It is well known that prisoners, especially if they have not been isolated before, may develop a syndrome similar in most of its features to the "brain syndrome"... they cease to care about their utterances, dress and cleanliness. They become dulled, apathetic and depressed. In due time they become disoriented and confused; their memories become defective, and they experience hallucinations and delusions....

Classically, isolation has been used as a means of "making a man talk," simply because it is so often associated with a deterioration of thinking and behavior and is accompanied by an intense need for companionship and for talk. From the interrogator's viewpoint it has seemed to be the ideal way of "breaking down" a prisoner, because, to the unsophisticated, it seems to create precisely the state that the interrogator desires ... However, the effect of isolation upon the brain function of the prisoner is much like that which occurs if he is beaten, starved or deprived of sleep.

Those prisoners who cannot be secured in sufficient isolation, presumably at a forward interrogation site, will be secured via "Field Expedient Separation," during which a both blindfold and earmuffs are put on a detainee for up to 12 hours. Again this is expandable upon official approval. The AFM warns that care must be taken to protect the blindfolded, earmuffed prisoner from self-injury, and the prisoner must be medically monitored. The AFM doesn't explain why this is necessary, but the reason is that such sensory deprivation is intolerable for some people and can lead to hallucinations and self-injurious behavior. The inclusion of a procedure that so obviously needs medical monitoring should be a red flag that it violates basic humane treatment.

The other main use of torture is Appendix M's provision for prolonged sleep deprivation, holding a prisoner to no more than four hours of sleep per night for 30 days. As with isolation and perceptual deprivation, this procedure can be prolonged with official approval. Sleep deprivation is used to break an individual down both physically and mentally. The literature on the corrosive effects of sleep deprivation is not difficult to find. Four hours of sleep per day for a month will decrease

thyrotropin secretion and increase levels of cortisol, causing stress and high blood pressure. It impairs verbal processing and complex problem solving. Chronic sleep deprivation is "associated with irritability, depression and a reduced sense of well-being."

The AFM's Appendix M makes a lot of noise about forbidding sensory deprivation, then provides a definition of same that would describe none but the most extreme examples of sensory deprivation, all the while allowing its practice upon prisoners. Similarly, the document claims it is consistent with the Geneva Conventions and other human rights documents. It denies that prisoners held under separation will be treated to "excessive noise," "excessive dampness" or "excessive or inadequate heat, light or ventilation." But rather than appear convincing, these caveats seem to direct the interrogation team to just those kinds of procedures that should be used, as long as it is not judged "excessive." At the September 2006 briefing, Kimmons assured reporters that Appendix M had been legally vetted by "senior DOD figures at the secretarial level, by the Joint Staff, by each of the combatant commanders and their legal advisers, by each of the service secretaries and service chiefs and their legal advisers, in addition to the director of the Defense Intelligence Agency and the director of National Intelligence, who coordinated laterally with the CIA." It was also "favorably reviewed" by Attorney General Alberto Gonzales' Justice Department. This is not a legal vetting that inspires much confidence.

The total effect of combining all the procedures enumerated above, particularly in an atmosphere of fear and futility or hopelessness, is to produce a state not dissimilar to that described by Albert Biderman in his famous Chart of Coercion, as described elsewhere by this author and by Scott Shane of the *New York Times*. Social psychologist Biderman had studied the techniques of Soviet, Chinese and Korean interrogators and constructed a model of coercive interrogation that was later used by SERE interrogators at Guantanamo (as described above). Biderman's Chart of Coercion enumerates the key abusive techniques as isolation, monopolization of perception, induced debilitation and exhaustion, threats, occasional indulgences, demonstrating "omnipotence" and "omniscience" (i.e., complete control over a prisoner's fate), degradation and enforcement of trivial demands. What we have here, in sum, is what has come to be known in the 21st century as the Guantanamo model.

It is the intent of the Army Field Manual's Appendix M to institute the Guantanamo model across all military sites. The use of separation is supposed to be limited to "unlawful enemy combatants." Hina Shamsi, with the ACLU, notes that the Geneva Conventions allow for no status-based discrimination as the basis of differentiating interrogation techniques. The use of such different techniques "could lead to a conflicting and confusing situation," and the violation of domestic or international laws, according to Shamsi. Beyond that is the distinction of marking certain combatants as "unlawful," which is highly controversial and for which there seems to be no adequate precedent in the law of war.

One last example should suffice to demonstrate the perfidy upon which the Army Field Manual was rewritten. (The revamping of the AFM was supervised by Stephen Cambone, Rumsfeld's undersecretary of defense for intelligence, also notoriously in charge of the Pentagon's secretive sabotage and assassination teams, code-named Grey Fox.) In the last version of the AFM (FM 34-52), published in 1992, the use of fear-based techniques was divided into Fear Up Harsh and Fear Up Mild, with a strong warning issued that the use of Fear Up "has the greatest potential to violate the law of war." In the contemporary version of the AFM, the division of the technique into harsh and mild categories is abandoned, while the cautionary language is weakened. Meanwhile, the definition of Fear Up has changed as well.

From the 1992 manual:

The fear-up approach is the exploitation of a source's pre-existing fear during the period of capture and interrogation. (pp. 3-15)

In the 2006 manual, the definition adds a sinister new twist (emphasis added):

In the fear-up approach, the HUMINT [human intelligence] collector identifies a pre-existing fear or creates a fear within the source. He then links the elimination or reduction of the fear to cooperation on the part of the source. ... The HUMINT collector should also be extremely careful that he does not create so much fear that the source becomes unresponsive. (pp. 8-10)

In a manner similar to the introduction of the harmful technique of sleep deprivation, the new policy of creating a new fear within a detainee is introduced with a simple grammatical clause. A few words inserted here and there, and the viral program is complete. (Interestingly, the old 1992 AFM says that "increased fear-up" is a "proven effective" technique, but elsewhere describes fear-up harsh as "usually a dead-end," interrogation-wise.)

The Fight Against the "New" Army Field Manual

With the start of a new administration and the swearing in of a new Congress, changes to President Bush's program of torture and abusive detention and interrogation are in the offing. The controversy over the possible nomination of CIA official John Brennan to the directorship of the Central Intelligence Agency, which led to a wide protest, including a letter critical of the choice addressed to President-elect Barack Obama and signed by 200 psychologists and mental health professionals, led to the withdrawal of Brennan from consideration.

As a new administration and Congress consider how to clean up the mess left them by the Bush administration, when it comes to the torture issue, many liberals in the political class are looking to a global adoption of the Army Field Manual as a kind of anodyne for this problem. An example of how far the virus has spread is the petition by the well-regarded Campaign to Ban Torture, signed by a plethora of "respected leaders," including Obama's nominee for White House National Security Adviser, retired Marine Gen. James L. Jones. Espousing a "golden rule" over interrogation practice, the CBT declaration states:

We will have one national standard for all U.S. personnel and agencies for the interrogation and treatment of prisoners. Currently, the best expression of that standard is the U.S. Army Field Manual, which will be used until any other interrogation technique has been approved based on the Golden Rule principle.

The Guantanamo virus is spreading. Its agent is Appendix M of the Army Field Manual. It will be very difficult to eradicate. It will require the effort of every person who believes in human rights and is opposed to torture to spread the word. A few

crucial human rights and legal organizations have already spoken out against Appendix M, but we have yet to hear from groups such as Amnesty International, Human Rights First or the Center for the Victims of Torture. Congressmembers must be called. Letters to the editor must be written. Bloggers must give their unique independent commentary.

The AFM as constituted must not be made the "one national standard" until the virus is eradicated. Appendix M must be rescinded in its totality, and portions of the document, such as the section on Fear Up, rewritten. Otherwise, Bush's and Rumsfeld's attempt to sneak coercive methods of interrogation into the main document of human intelligence gathering used by the military will succeed.

This effort must be combined, as well, with efforts to strip the CIA of its use of "enhanced interrogation methods," which amount to barbaric torture. An independent commission must be established to investigate and publicize the long history of the use of torture and abusive interrogation research and practice by the United States, to ensure that this kind of crime is firmly eradicated and will not happen again. An independent prosecutor should be given full authority to pursue appropriate investigation and indictments.

The time that approaches is one of great opportunity and great danger. Hopefully, U.S. society will rise to the challenges that face it.

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