



Should the U.S. Army Field Manual be the Standard for the CIA's Interrogations?

Listed below are responses to some of the concerns commonly raised by those who oppose, or are uncertain about, using the Army Field Manual (AFM) standard for the Central Intelligence Agency (CIA) interrogations:

1. *Department of Defense (DOD) guidelines should not apply to a non-DOD agency, such as the CIA.*

Response: This is not an attempt to allow the DOD to begin randomly issuing regulations for other departments. If legislation mandating the AFM is adopted, the CIA will still have its own dress, culture, and procedures. Legislation of this sort only attempts to limit one small portion of the CIA's activities, and it does so in response to demonstrated abuses. In reality, the AFM allows significant freedoms within its guidelines.

The AFM lays out general approaches to interrogations, some that can be used for all interrogations and others that can only be used for interrogating prisoners who are determined not to be Prisoners of War. The Manual itself explains that interrogators do not run an approach by following a set pattern or routine, but they instead select a combination of techniques depending on the prisoner's mental and physical state, background, and a number of other factors. The Manual gives interrogators great latitude to capitalize on fear, trickery, deceit, manipulation and other devices that are proven to be effective.

Furthermore, the AFM is not simply a DOD product. In announcing the release of the new AFM in 2006, Lieutenant General John Kimmons stated that the approaches in the manual were reviewed and endorsed by Director of National Intelligence who coordinated with the CIA as well as by the Director of the Defense Intelligence Agency, the joint staff, combatant commanders and their senior legal advisers worldwide, and each service's secretary and Judge Advocate General. They were also reviewed and concurred with by the Department of Justice and coordinated with the Department of State.

2. *The AFM is fine for 20 year-olds in the military, but it isn't sufficient for trained CIA interrogators.*

Response: Prior to September 11th, the CIA was not really in the interrogation business. It is the military that has the institutional expertise in carrying out interrogations - and many military interrogators have several years, or even decades of experience.

Also, it is our captured soldiers that are put at risk by the CIA's use of enhanced interrogation techniques. Our enemies do not distinguish between the CIA's interrogation policies and the DOD's interrogation policies. Allowing the current distinction between the two gives our enemies perceived justification for mistreating our soldiers.

3. *The AFM does not work - you need torture or other "harsh" interrogation techniques to obtain good intelligence.*

Response: The Field Manual works. General Petraeus confirmed the effectiveness and importance of the AFM techniques in a letter to the troops in Iraq in May: "Some may argue that we would be more effective if we sanctioned torture or other expedient methods to obtain intelligence from the enemy. They would be wrong. . . . Certainly, extreme physical action can make someone talk; however, what the individual says may be of questionable value. . . [Our] experience in applying the standards laid out in the Army Field Manual (2-22.3) . . . shows that the techniques in the manual work effectively and humanely in eliciting information from detainees."

4. *We cannot have a public standard for interrogation procedures because then terrorists will know how to train for it.*

Response: This position is predicated on the assumption that we will never release anyone we interrogate. In fact, we have captured a number of innocent people in the War on Terror, interrogated them, and then released them when we determined that they didn't possess any relevant information. These people then go home and tell people what happened to them.

People we waterboard go home and say they were waterboarded. People that are subjected to induced hypothermia go home and say so. Terrorists are going to know what techniques our interrogation procedures include whether or not we publicize them.

Neither the American people nor the world at large will believe us if we say we don't torture, but continue to keep our interrogation tactics secret. As recently as this year, Attorney General Michael Mukasey claimed that waterboarding might not be illegal and that torture might not "shock the conscience" (and thus might be acceptable) if the information sought was sufficiently valuable. Attorney General Mukasey is the highest law enforcement officer in our country - so his statements have effectively shredded any remaining credibility our government might have had on the issue of torture.

5. *The CIA's "alternative" interrogation techniques have a "proven track record" at keeping us safe from terrorism.*

Response: No one in the general public has enough information to say for certain that the CIA's abusive interrogation techniques have never yielded useful information - although we do know that they have at times yielded inaccurate information. Senator John Rockefeller, the Chairman of the Senate Intelligence Committee recently stated "as Chairman of the Senate Intelligence Committee, I have heard nothing to suggest that information obtained from enhanced interrogation techniques has prevented an imminent terrorist attack."

6. Some say the legislation mandating the Army Field Manual is imperfect because it goes too far and others say it does not go far enough.

Response: No legislation is perfect. If we are to demonstrate to the American people and to the world that we are a moral country – a country that does not torture - then Congress must pass, and the President must sign into law, legislation that clearly bans torture and other cruel, inhuman and degrading treatment. If we pass up an opportunity to correct the mistakes we have made in recent years simply because the Army Field Manual is only a good, not a perfect standard, then we will only confirm the view that our government is not serious about ending torture.

Prepared by staff of the National Religious Campaign Against Torture – March 2008