

FEINSTEIN ISSUES STATEMENT ON IG; MISUNDERSTANDS ARMY FIELD MANUAL

Senator Dianne Feinstein of California has issued an official statement "On Release of Documents Related to CIA Interrogation and Detention Program and Renewed Commitment to Army Field Manual Standard for Interrogations":

"The documents released today provide evidence that the CIA detention and interrogation program exceeded its authority as follows:

- Beating a detainee in Afghanistan, who later died in custody, with a heavy flashlight;
- Threatening a detainee with a handgun and a power drill;
- Staging a mock execution;
- Threatening to kill a detainee's family;
- Choking a detainee to the point of unconsciousness;
- Applying waterboarding in ways that beyond what the Office of Legal Counsel had authorized, and not informing OLC of how waterboarding was being done in practice prior to the Inspector General's report.

The IG report also noted a case in which the interrogators at a 'black site' recommended ending the use of enhanced interrogation techniques on a detainee, but were overruled by officials at CIA headquarters and told to resume waterboarding the detainee.

I first learned of this and other IG

reports, starting in September of 2006. I expressed significant concern with the program and introduced legislation in 2007 to limit CIA interrogations to techniques authorized by the Army Field Manual. This provision was passed by Congress in 2008, but was vetoed by President Bush. I reintroduced this legislation in January.

President Obama has committed to requiring that the CIA only use the proven and effective interrogation techniques authorized by the Army Field Manual, and I strongly agree with that position.

The Senate Intelligence Committee is conducting a comprehensive, bipartisan study of all aspects of CIA's detention and interrogation program. This study includes how the program was created and operated, how it was briefed to the Congress and other parts of the Executive Branch, its compliance with guidance from the Department of Justice, and the information produced. The study is ongoing. We have reviewed thousands of documents on a number of high-value detainees, and will review the cases of all such detainees.

The Committee's study will continue until we complete our work, regardless of any decision by Attorney General Holder on whether to proceed to a criminal investigation. I look forward to continued cooperation with our work from the CIA and the Administration."

As Marcy has pointed out recently, DiFi has been making noises about actually doing her job as head of SSCI as of late, and this is a pretty decent statement all things considered. Especially when compared to the concern trolling tripe issued by Joe Lieberman. It will be to all of our benefit if she and SSCI follows through

with a thorough investigation so that our intelligence gatherers do not commit the crimes described by former CIA officials Robert Baer and Tyler Drumheller in the video attached hereto.

However, Senator Feinstein exhibits a very troubling lack of understanding of the nature of the Army Field Manual and the gross amount of torture still authorized by its contents. Saluting the "proven and effective interrogation techniques authorized by the Army Field Manual", and indicating that she "strongly agrees" with the position of the Obama Administration to rely on the AFM is not a good thing at all.

I addressed the overwhelming problems with reliance on the reconstituted Army Field Manual back in late January of this year in the post *Obama, The Crawford Torture Admission & The Army Field Manual Lie*. Citing my friend Jeff Kaye, I said:

This is the lie. The Army Field Manual provisions, especially with those pesky footnotes like "Appendix M", leave a wide open path for torture. And this is exactly what Susan Crawford directly admitted to Bob Woodward. This is a significant problem, the very torture, and modalities thereof, that are so abhorrent are about to be ratified and enshrined into the ethos of the new Obama Administration. What is worse is that the media and the country as a whole are biting off on the proposition that the torture regime is being slain in the process, and that is simply not the case.

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.

...

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.

The Army Field Manual is not a panacea to solve the torture problems that were indoctrinated into the military and intelligence conduct of the United States by the Bush/Cheney Administration, it is a tool for continuing and codifying much of the worst conduct, especially via the egregious "Appendix M". Senator Feinstein should neither salute nor accept this standard for the future; instead she should see to it that the torture enabling provisions of the AFM, including Appendix M are revised or excised before reliance by our troops and/or intelligence professionals. And she should have the integrity to admit that President Obama has seen to it that the CIA is not even fully constrained by the AFM, even with the offending Appendix M.