

Military Interrogation of Terror Suspects

Imaginative Does Not Have To Mean Unlawful

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What enables the wise sovereign and the good general to strike and conquer and achieve things beyond the reach of ordinary men is foreknowledge. Now this foreknowledge cannot be elicited from spirits; it cannot be obtained inductively from experience, nor by any deductive calculation. Knowledge of the enemy's disposition can only be obtained from other men.¹

—Sun Tzu

I believe the Intelligence Community would be well-served by the creation of an organization of common concern vested with the responsibility for professionalizing the discipline of interrogation, managing a robust approach to studying the “science” of interrogation, and designing doctrine for incorporating the products of that research into field operations.²

—Steven M. Kleinman

The views expressed in this paper are those of the authors and do not reflect the official policy or position of the Department of the Army, Department of the Air Force, Department of Defense, or the U.S. Government.

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PHOTO: A U.S. Sailor assigned to the Navy Expeditionary Guard Battalion stands watch over a cell block at U.S. Naval Station Guantánamo Bay, Cuba, 30 March 2010. (U.S. Navy photo by MCS3 Joshua Nistas)

THE UNITED STATES is searching for ways to lawfully glean information from persons detained during the War on Terrorism.³ The issue is thorny and politically sensitive. While much of the debate has been about the interrogation tactics of the Central Intelligence Agency and other government agencies, there has been a strong move toward restricting the military interrogators. Some recent changes to Army and Department of Defense (DOD) interrogation policies reflect a less than intellectually rigorous approach that is neither effective nor legally sound. This article examines the Army's interrogation policy as set forth in Field Manual (FM) 2-22.3, *Human Intelligence Collector Operations*, from both a legal and “effects-based” perspective and offers some recommendations for change.

When formulating an interrogation policy, we must recognize and address the following:

- Human behavior is very complex, and interrogation, which involves establishing a relationship between the interrogator and the subject, requires imaginative, skilled, and trained interrogators who are free to accomplish their mission successfully and lawfully.
- Limiting DOD interrogators to an artificial list of techniques may prevent abusive and coercive interrogations, but it inhibits their ability to create relationships and manipulate them effectively.

- The Obama administration based its decision to close the DOD detention facility at Guantánamo Bay (Gitmo) and limit the scope of interrogation techniques on a blend of political, policy, and legal concerns about the treatment of detainees.

While most Americans want our intelligence officers to extract accurate, time-sensitive intelligence from dangerous terrorists in order to avert imminent attacks, the use of “enhanced interrogation methods,” including waterboarding, is at the core of the debate. On an emotional level, particularly after experiencing the effects of a terror attack on our soil, many Americans might pray that there are rough Americans like the fictional TV character Jack Bauer out there protecting the flock.⁴ However, no one has established that waterboarding or other enhanced interrogation techniques produce accurate or reliable intelligence. Moreover, such activities cause America to lose the moral high ground and have a corrosive effect on the morale and discipline of the interrogators themselves. This is especially true of military interrogators who are subject to more stringent guidelines than their counterparts in other government agencies.⁵

The Law

An attorney providing operational legal guidance to a commander should ensure that the commander understands the advice and that the advice is free from personal bias. While we have consistently and strongly advocated that military interrogators should be prohibited from using enhanced interrogation techniques such as waterboarding, we also believe that the rules adopted should be based on law and reason and not on emotion. Unfortunately, conjecture, ill-defined information, and emotion form the basis for much that has been written and said on this topic, both in the media and in professional circles.

Recently, some legal scholars and essayists have gone to extremes in condemning the Bush administration’s policy on enhanced interrogation techniques. For instance, they have pointed to the prosecution of Japanese captors for use of water torture as a basis for outlawing the U.S. use of “waterboarding.”⁶ Or, they say waterboarding is the moral or legal equivalent of the torture the North Vietnamese inflicted on John McCain and his fellow prisoners of war or the torture inflicted

on our Soldiers today by our current adversaries. These arguments are disingenuous.

The Japanese were prosecuted after the war for the systemic, repeated, and long-term starvation, mutilation, and killing of Allied POWs: their use of water torture was merely a small part of their repertoire. Nothing in the way the United States treats captured terrorists today can compare with the Japanese cruelties of World War II. Performing a 15-second simulated drowning upon an individual—the same type of interrogation technique to which some of our own special operations forces and aviators have been subjected in Survival Evasion Resistance Escape training—should not be equated to the wanton burning, flailing, breaking of limbs, and decapitations that jihadists routinely impose upon their captives.⁷

The inability of some lawyers to see these disparities is troubling. We should ignore the rhetoric masquerading as legal analysis from those who politicize this issue. It only obscures the mundane ground truth surrounding the operational application of legal doctrine. Many attorneys, including some affiliated with the services’ legal centers and schools, declare that we should charge some Bush administration employees and certain judge advocates with war crimes for their policies on interrogation.⁸ Such rhetoric distracts us from critically thinking about what interrogation techniques work and are lawful.

The truth is that the military’s use of enhanced interrogation techniques would, indeed, violate the protections afforded by the Geneva Conventions and related Laws of Armed Conflict.

Examples of enhanced interrogation techniques include the following:

- The Attention Grab: The interrogator forcefully grabs the shirtfront of the prisoner and shakes him.
- The Attention Slap: An open-handed slap aimed at causing pain and triggering fear.

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- The Belly Slap: A hard open-handed slap to the stomach. The aim is to cause pain, but not internal injury. Doctors advise against using a punch, which could cause lasting internal damage.

- Long Time Standing: This technique is described as among the most effective. Prisoners are forced to stand, handcuffed with their feet shackled to an eyebolt in the floor for more than 40 hours. Exhaustion and sleep deprivation are effective in yielding confessions.

- The Cold Cell: The prisoner is left to stand naked in a cell kept near 50 degrees. Throughout the time in the cell, the prisoner is doused with cold water.

- Waterboarding: The prisoner is bound to an inclined board, feet raised and head slightly below the level of the feet. A wet towel is placed over the prisoner's mouth and nose and water is poured over him. Unavoidably, the gag reflex kicks in and a terrifying fear of drowning leads to almost instant pleas to bring the treatment to a halt.

It is beyond the scope of this paper to determine whether such techniques would be legal in situations not governed by the Laws of Armed Conflict or where a special presidential finding overrides previous executive orders banning such practices.⁹ What is clear is that the U.S. military may not use these techniques. This being the case, what are the allowable legal limits for interrogations of detainees conducted by military personnel?

The Detainee Treatment Act of 2005

Two legal questions affect the detainee treatment debate: the status of the detainee under the Geneva Conventions, and the applicable law governing the treatment of the detainee based on this status. The issue of detainee status has been discussed extensively since the U.S. invasion of Afghanistan in 2001.

In early 2004, reports alleged U.S. troops had abused Iraqi prisoners at Abu Ghraib prison.¹⁰ A formal DOD investigation ensued.¹¹ Reports of detainee abuse at Abu Ghraib, Gitmo, and other military detention facilities caused a public outcry and a congressional inquiry into the tactics and legal justification used by the Bush administration in executing the war in Iraq.¹²

In response, the U.S. Senate approved an amendment to the Department of Defense appropriations bill for 2006 that set forth interrogation techniques approved for use on detainees. It made clear that geographic considerations did not limit the prohibition on the use of cruel, inhuman, or degrading treatment or punishment. President Bush signed the Detainee Treatment Act (DTA) into law on 30 December 2005.

The confusion generated by the approval of different interrogation tactics for detainees depending on their classification led to a decline in the overall standards of interrogation and confinement. Many detention facilities contained a mixed group of interrogators—civilian, military, and contractor—with differing guidelines. At the strategic level, debates about what constituted torture and the extent of restrictions on it under domestic criminal statutes and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment led to further confusion.

The DTA sought to solve these problems by making the U.S. Army's standards of interrogation apply to all DOD agencies and by prohibiting "cruel, inhuman, or degrading treatment or punishment" of any person under the custody or control of the U.S. government. It specifically cited the U.S. Army field manual on interrogation, FM 34-52 (since replaced by FM 2-22.3, *Human Intelligence Collector Operations*) as the authoritative guide to interrogation techniques. Since the Department of Defense controls the contents of the field manual, DOD is the executive agency that decides whether to permit or prohibit a given technique.

For a time, government agencies outside the Department of Defense were then free to define for themselves what constituted "cruel, inhuman, or degrading treatment or punishment." To close this loophole, Congress passed legislation in 2008 to constrain the entire intelligence community to the field manual's techniques.¹³ Both chambers of Congress voted for the bill, but President Bush vetoed it on 8 March 2008. However, on 22 January 2009, President Obama effectively reversed this veto by signing a new executive order banning all enhanced interrogation methodologies by all agencies of the government.¹⁴

In retrospect, we can see that the inconsistent application and interpretation of domestic and international law by members of the Bush administration may have led to ambiguities in the standards, resulting in poor treatment of detainees.¹⁵ However, it was not trained military interrogators but prison guards and others—including contractors—who committed most of the alleged DOD abuses. This fact is noteworthy. Moreover, the proximate cause of the abuse was not the interrogation policies, but dereliction of duty by those in charge of certain facilities.

The behavior of American military interrogators at Gitmo was a triumph—although it did not garner the press highlights that the “bad news” story of Abu Ghraib did. President Obama’s executive order also directed Secretary of Defense Gates to review detention conditions at Guantánamo to ensure that no individual was held there “except in conformity with all applicable laws governing the conditions of such confinement, including Common Article 3 of

the Geneva Conventions.” The relevant portion of the Secretary of Defense’s Memorandum, Review of Department Compliance with President’s Executive Order on Detainee Conditions of Confinement, dated 2 February 2009, is set forth below, and bears careful scrutiny:

After considerable deliberation and a comprehensive review, it is our judgment that the conditions of confinement in Guantánamo are in conformity with Common Article 3 of the Geneva Conventions.

In our view, there are two components in the scope of the compliance review taken from Common Article 3: the first is the explicit prohibition against specified acts (at any time and at any place). Any substantiated evidence of prohibited acts discovered in the course of the review would have warranted a finding of “non-compliance” with Common Article 3. We found no such evidence.



AP Photo/Charles Dharapak

President Barack Obama signs a series of executive orders, including one closing the prison at Guantánamo Bay, Cuba, in the Oval Office of the White House, 22 January 2009.

Additionally, determining conformity with Common Article 3 requires examination of the directive aspect of the Article, this being that “Persons . . . shall in all circumstances be treated humanely.” This element of the effort demanded that the Review Team examine conditions of detention based upon our experience and professional backgrounds, informed and challenged by outside commentary. As a result of that effort, we find that the conditions of confinement in Guantánamo also meet the directive requirements of Common Article 3 of the Geneva Conventions.

While we conclude that conditions at Guantánamo are in conformity with Common Article 3, from our review, it was apparent that the chain of command responsible for the detention mission at Guantánamo consistently seeks to go beyond a minimalist approach to compliance with Common Article 3, and endeavors to enhance conditions in a manner as humane as possible consistent with security concerns.

These findings are all the more remarkable in light of the fact that many scholarly legal analyses and opinions believe that stateless terrorists and other similarly situated bad actors are not entitled to the protections afforded them pursuant to Common Article 3:

As the eminent military historian Sir Michael Howard argued shortly after 9/11, the status of Al-Qaeda terrorists is to be found in a distinction first made by the Romans and subsequently incorporated into international law by way of medieval and early modern European jurisprudence. According to Mr. Howard, the Romans distinguished between *bellum* (war against *legitimus hostis*, a legitimate enemy) and *guerra* (war against *latrunculi*, pirates, robbers, brigands, and outlaws).

Bellum became the standard for interstate conflict, and it is here that the Geneva Conventions were meant to apply. They do not apply to *guerra*. Indeed, punishment for *latrunculi*, “the common enemies of mankind,” traditionally has been summary execution.¹⁶

We must understand this legislative and policy history well if we are to shape effective and lawful administrative guidelines.

However, regardless of their legal or political rationales, both the DTA and the new executive order authorize only those interrogation approaches and techniques set forth in FM 2-22.3. There are two major problems with this: little science supports the approved techniques, and the requirements imposed by the FM are so restrictive that they are ineffective and nonsensical.

Field Manual 2-22.3

In the manual, two interrogation methods routinely used by law enforcement on domestic criminal suspects require approval by the first colonel in the interrogator’s chain of command. Use of the restricted interrogation technique “Separation” requires the approval of a combatant commander. Interrogation plans require the approval of the first flag officer in the chain of command, and coordination with command, security, legal, or other personnel within the command structure.¹⁷ Requiring a trained military interrogator who wants to use simple law enforcement questioning techniques to seek combatant commander (4-star general equivalent) approval is akin to requiring an FBI agent to seek the FBI director’s approval or a city cop to seek the police commissioner’s imprimatur. Once again, the military has responded to a perceived crisis by formulating mandatory training requirements focused on the least common denominator.¹⁸ This approach is anathema to an effective interrogation program. Such a program requires creativity, imagination, and critical analysis, not the imposition of rigid, unimaginative, and poorly focused requirements.

A more reasoned solution would be to:

- Make the selection process for military interrogators more discriminating by making it a

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non-accession military occupational specialty, like Special Forces and Criminal Investigation Division.

- Provide rigorous, standardized, and comprehensive training to ensure successful and lawful interrogations.
- Continue to mandate that only trained and certified interrogators question detainees.

The History and Future of Interrogation

Currently, military interrogators come from basic military training with no truly discriminating assessment and selection processes in place. This is not to say there are no effective, motivated, and high-quality military interrogators, but rather that there are not enough. A more rigorous assessment, selection, and recruitment process—plus some retention incentives—would keep the bar high in order to run a world-class interrogation program.

During World War II, America possessed a highly qualified, multilingual interrogation corps, often utilizing experienced law enforcement officers. This was not novel. The art of questioning resistant individuals in order to gain useful information has a very long history.¹⁹ World War II perhaps demonstrated the epitome of the art.²⁰

After World War II ended, the U.S. military conducted few combatant interrogations. Our experiences in Korea and Vietnam included relatively few U.S.-run interrogations. In fact, because of the treatment of captured U.S. personnel in Korea, the U.S. military put more effort into studying how to train resistance to interrogation than it did into interrogation techniques.²¹ As the U.S. military began to neglect interrogation, the Central Intelligence Agency began a study into various interrogation methods, but much of that study has become the focus of controversy.²²

In 2006, the Intelligence Science Board released *Educing Information*, an important book on the state of our scientific knowledge on gathering information from other human beings. What is perhaps most remarkable is the limited knowledge that currently exists in this area. After thousands of years of interrogation, there is very little scientific underpinning of our current military doctrine. Any student of the science, the art, or the politics of interrogation should read this book, as it is an extremely comprehensive review of what we know,

and more definitively, what we do not know. Some of its general themes are relevant here.

The first is that most individuals who have studied interrogation—including interrogators, historians, and scientists—believe that abusive and coercive interrogations are not reliable in gathering accurate information.²³ The second theme is contained in one of the chapter abstracts:

Essentially none of the interrogation techniques used by U.S. personnel over the past half-century has been subjected to scientific or systematic inquiry or evaluation, and the accuracy of educed information can be compromised by the way it is obtained. By contrast, a promising body of social science research on persuasion and interpersonal influence could provide a foundation for a more effective approach to educing information in intelligence-gathering contexts. There is a great deal of scientific knowledge on persuasion and interpersonal influence that has not been used in the formal development of interrogation strategies and techniques.²⁴

What then can we say about the actual interrogation techniques allowed by FM 2-22.3? There is little history concerning the origins and development of these techniques. It is believed they were first listed following the end of World War II.²⁵ Essentially, the field manual sets forth certain rudimentary prescribed techniques—direct questioning, limited incentives, and “false flag”—on which there has been no social science research assessing their effectiveness at gathering useful, accurate information.

The unimaginative strictures of the FM prohibit other techniques for conducting effective interrogations that are within the framework of democratic values, such as the creative yet benign “negotiation theory.”²⁶ Negotiation theory is an effective tool in building interpersonal trust and communication, but it requires a patient interrogator who has the training, skills, and authority to negotiate with a detainee.

Police departments around the world are implementing newer, less coercive techniques. The following article from the *New York Times* gives one example:

Until recently, police departments have had little solid research to guide

their instincts. But now forensic scientists have begun testing techniques they hope will give officers, interrogators and others a kind of honesty screen, an improved method of sorting doctored stories from truthful ones.

The new work focuses on what people say, not how they act. It has already changed police work in other countries, and some new techniques are making their way into interrogations in the United States. . . . But the science is evolving fast. [Scientists] at Goteborg University in Sweden are finding that challenging people with pieces of previously gathered evidence, gradually introduced throughout an investigative interview, increases the strain on liars. And it all can be done without threats or abuse, which is easier on officers and suspects.²⁷

More dramatically, in their initial successful interrogations of Abu Zubaydah, the FBI agents on-scene used a version of the negotiation method: Zubaydah was stabilized at the nearest hospital, and the F.B.I. continued its

questioning using its typical rapport-building techniques. An agent showed him photographs of suspected Al-Qaeda members until Zubaydah finally spoke up, blurting out that “Moktar,” or Khalid Shaikh Mohammed, had planned 9/11. He then proceeded to lay out the details of the plot. America learned the truth of how 9/11 was organized because a detainee had come to trust his captors after they treated him humanely.²⁸

Unfortunately, most of the effective and lawful techniques employed by the FBI will be unavailable to military interrogators under the current constraints of the field manual and executive order.

A final reason to change FM 2-22.3’s proscriptive approach is that simply adding prohibitions does little to stop potential abuses from occurring. Such rules often do not affect those bent on abusing prisoners or the conditions that give rise to their doing so. As repeated investigations into alleged abuses demonstrate, military interrogators are rarely the source of the problem. Poor leadership, bad morale,



U.S. Navy, Mass Communication Specialist 3rd Class Joshua Nistas

Soldiers assigned to 525th Military Police Battalion run past a guard post at Guantánamo Bay Naval Base, Cuba, 16 June 2010.

lack of oversight, and simple “bad actors” are the root of such problems. We should mandate that professional staff, not ad hoc cadres, run the detention facilities, and we should use the Uniform Code of Military Justice as necessary. Requiring interrogators to undergo a rigorous selection and training process will better ensure a mature corps less likely to succumb to unlawful, over-the-top activities during the actual interrogation process and more likely to achieve success in gathering useful information.

In the end, imposing unimaginative, inflexible,

unscientific, and ahistorical rules will only hamper the successful educing of information from America’s adversaries and do nothing to ensure we remain on the legal and moral high ground. The Army should revise FM 2-22.3 to mandate a rigorous selection of military interrogators as a non-accession branch, remove unnecessary legal and administrative protocols concerning certain non-enhanced interrogation techniques, and allow more flexibility in the use of creative and humane methodologies supported by a growing body of research. **MR**

NOTES

1. Sun Tzu, *The Art of War*, trans. Samuel B. Griffith (London: Oxford University Press, 1963), 77.

2. Steven M. Kleinman, a reserve senior intelligence officer for the Air Force’s Special Operations Command and former interrogator, when appearing before the Senate Select Committee on Intelligence on 25 September 2007 to talk about the current U.S. interrogation policy.

3. Siobhan Gorman, “U.S. Weighs Special Team of Terrorism Interrogators,” *The Wall Street Journal*, 20 July 2009.

4. Peter Lattman, “Law Blog,” *The Wall Street Journal*, 20 June 2007, reports that no less a legal scholar than Supreme Court Justice Antonin Scalia came to the defense of Jack Bauer and his torture tactics:

“... during an Ottawa conference of international jurists and national security officials last week. During a panel discussion about terrorism, torture and the law, a Canadian judge remarked, “Thankfully, security agencies in all our countries do not subscribe to the mantra ‘What would Jack Bauer do?’”

Justice Scalia responded with a defense of Agent Bauer, arguing that law enforcement officials deserve latitude in times of great crisis. “Jack Bauer saved Los Angeles . . . He saved hundreds of thousands of lives,” Judge Scalia reportedly said. “Are you going to convict Jack Bauer?” He then posed a series of questions to his fellow judges: “Say that criminal law is against him? ‘You have the right to a jury trial?’ Is any jury going to convict Jack Bauer?”

“I don’t think so,” Scalia reportedly answered himself. “So the question is really whether we believe in these absolutes. And ought we believe in these absolutes.”

5. On 22 January 2009, President Obama signed an Executive Order effectively placing all agencies under the Department of Defense interrogation guidelines as set forth in Field Manual 2-22.3, *Human Intelligence Collector Operations* (Washington, DC: U.S. Government Printing Office). See, <www.whitehouse.gov/the_press_office/EnsuringLawfulInterrogations/>.

6. Evan Wallach, “Waterboarding Used to Be a Crime,” *The Washington Post*, 4 November 2007, B01.

7. Waterboarding was used as a training technique by the Navy, but has been discontinued. As far as we are aware, neither the Army nor the Air Force ever used the technique. There have been more aviators exposed than SEALs during SERE training. The authors recognize that there is a qualitative and legal difference between the use of waterboarding in training, where a student has at least some clear ability to stop the experience, and its use with a real captive. Perhaps most important, however, is that there have been no substantive allegations that Department of Defense interrogators used waterboarding on detainees. On the other hand, radical Islamists have repeatedly afflicted detainees with worse practices. See ABC News Online, “Missing US soldiers ‘tortured, killed’ in Iraq,” 20 June 2006; see also *The Mirror*, “Taliban torture and kill French NATO soldiers in Afghanistan,” 20 August 2008.

8. See, The Rule of Law and the Global War on Terrorism Symposium hosted by the Washburn University School of Law Center for Law and Government and the *Washburn Law Journal*, held 13 and 14 November 2008.

9. The President has the inherent authority to overrule his own executive orders. Moreover, under exceptional circumstances, the President may make secret “special findings” authorizing covert operations. The circumstances of such findings may require otherwise “unlawful” activities (e.g., extra-judicial wiretaps and detentions

overseas or more aggressive direct actions). Nevertheless, such findings do have Congressional oversight.

10. CBS broke the story on 28 April 2004; “60 Minutes II: Court Martial in Iraq” (CBS television broadcast 28 April 2004). Seymour Hersh later published a series of articles in the *New Yorker* magazine regarding the abuse scandal. See Seymour Hersh, “Torture at Abu Ghraib,” *New Yorker*, 10 May 2004, 42; “Chain of Command,” *New Yorker*, 17 May 2004, 38; “The Gray Zone,” *New Yorker*, 24 May 2004, 38.

11. Army Regulation 15-6 Investigation of the 800th Military Police Brigade, also known as “The Taguba Investigation,” named after the investigating officer, Major General Antonio M. Taguba, U.S. Army, 2004.

12. Senate Armed Services Committee Inquiry into the Treatment of Detainees in U.S. Custody, 2006.

13. H.R. 2082 (Intelligence Authorization Act for Fiscal Year 2008).

14. Executive Order 13493—Review of Detention Policy Options, 22 January 2009, <www.whitehouse.gov/the_press_office/EnsuringLawfulInterrogations/>.

15. Senate Armed Services Committee Inquiry into the Treatment of Detainees in U.S. Custody, Conclusion 19: “The abuse of detainees at Abu Ghraib in late 2003 was not simply the result of a few Soldiers acting on their own. Interrogation techniques such as stripping detainees of their clothes, placing them in stress positions, and using military working dogs to intimidate them appeared in Iraq only after they had been approved for use in Afghanistan and at Gitmo. Secretary of Defense Donald Rumsfeld’s 2 December 2002 authorization of aggressive interrogation techniques and subsequent interrogation policies and plans approved by senior military and civilian officials conveyed the message that physical pressures and degradation were appropriate treatment for detainees in U.S. military custody. What followed was an erosion in standards dictating that detainees be treated humanely...” <<http://armed-services.senate.gov/Publications/>>.

16. Mackubin Thomas Owens, “The Pirates Challenge Obama’s Pre-9/11 Mentality: Distinctions between lawful and unlawful combatants go back to Roman times,” *The Wall Street Journal*, 11 April 2009.

17. FM 2-22.3, para. 8-3.

18. In “U.S. Weighs Special Team of Terrorism Interrogators,” Gorman indicates that professional interrogators find FM 2-22.3 less relevant for their work with high-value targets. “That’s good for 18-year-olds who need an operator’s manual in the field,” an official told Gorman, but “you want to have a spectrum of things, and to know what the borders are—what you can’t do.”

19. Stephen Tanner, *Afghanistan: A Military History from Alexander the Great to the Fall of the Taliban* (Cambridge, MA: Da Capo Press, 2002), 36.

20. Raymond F. Toliver, *The Interrogator: The Story of Hanns Joachim Scharff, Master Interrogator of the Luftwaffe* (Atglen, PA: Schiffer Publishing, 1997).

21. Intelligence Science Board, *Educing Information* (Washington, DC: National Defense Intelligence College, December 2006), xi.

22. *Ibid.*, xxiv.

23. *Ibid.*, 17.

24. *Ibid.*, 18.

25. *Ibid.*, xiii.

26. *Ibid.*, 267, Daniel L. Shapiro, Ph.D., “Negotiation Theory and Practice: Exploring Ideas to Aid Information Education” (Harvard University, February 2006).

27. Benedict Carey, “Judging Honesty by Words, Not Fidgets,” *New York Times*, 11 May 2009.

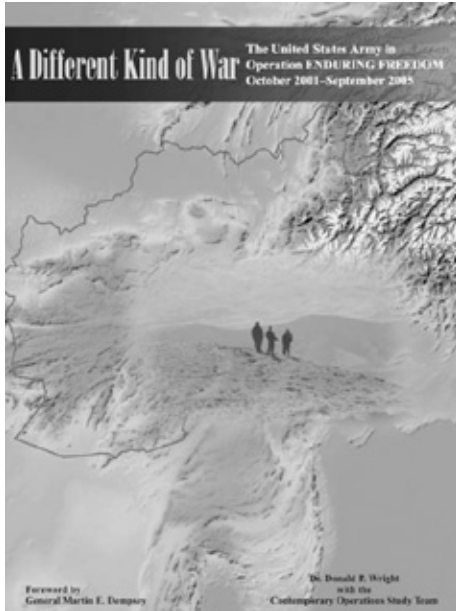
28. Katherine Eban, “Rorschach and Awe,” *Vanity Fair*, 17 July 2007.

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(1)	Outside County Nonrequested Copies Stated on PS Form 3841 (Include Sample copies, Requests Over 2 years old, Requests indicated by a Premium, Bulk Sales and Requests including Association Requests, Names obtained from Business Directories, Lists, and other sources)	0	0
(2)	In-County Nonrequested Copies Stated on PS Form 3841 (Include Sample copies, Requests Over 2 years old, Requests indicated by a Classification (By Star and Outside the Mail))	0	0
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d. Total Nonrequested Distribution (Sum of 15c(1)-(4) and (5))		0	0
f. Total Distribution (Sum of 15b and c)		7,770	8,334
g. Copies not Distributed (See Instructions to Publishers #4, page #3)		0	0
h. Total (Sum of 15f and g)		7,770	8,334
i. Percent Paid and/or Requested Circulation (15b divided by 15f times 100)		100%	100%

16. Publication of Statement of Ownership for a Requester Publication is required and will be printed in the issue of this publication: **NOV/DEC 2010**

17. Signature and Title of Editor, Publisher, Business Manager, or Owner: **Colonel John J. Smith, Director, Military Review** Date: **30 Sep 2010**

I certify that all information furnished on this form is true and complete. I understand that anyone who furnishes false or misleading information on this form or who omits material or information requested on the form may be subject to criminal sanctions (including fines and imprisonment) and/or civil sanctions (including civil penalties).

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