### Forum

## Reflections from the Social Sciences on the Possible Causes of Abusing Muslim Prisoners of War

### Walter R. Schumm

#### Abstract

The entire civilized world has been shocked by the many abuses perpetrated against Muslim prisoners of war by members of the Allied Forces, chiefly the United Kingdom and the United States. Here, the author, a former commander of Enemy Prisoner of War (EPW) units in the U.S. Army Reserve and author of several military articles on the importance of treating prisoners properly, reflects upon the sociological and psychological causes of such unjust, unlawful, and tragic abuse. One possible cause is the adoption of a pragmatic social exchange theory approach, rather than a moral approach, to the humane treatment of enemy prisoners: If the enemy does not hold many prisoners, there is less reason, under a pragmatic approach, to reject abuse ("They cannot get back at us by abusing our people they have captured because they have almost none.").

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A second risk factor is the perception that senior leaders have either authorized or at least will overlook abusive treatment. Milgram's psychological experiments showed long ago that ordinary people will do terribly hurtful things to others if they feel that authority figures have approved of the harm in the name of science or some other ideology. A third issue is simply the deficient leadership within the Allied armed forces. A final issue is the ignorance of many in the West of the beliefs and practices of Islam that, since its origins, has disapproved of prisoner abuse.

The recent series of abuses against Muslim prisoners at various locations around the world have shocked the entire world. Those abuses have been described separately in a number of detailed accounts.<sup>1</sup> Although nothing one author can do can compensate for such atrocities, perhaps considering the social science factors underlying such abuse can help us reduce the chances of its reoccurrence in the future.

Prisoner abuse has occurred in most, if not all, previous military conflicts, including World War II,<sup>2</sup> Korea,<sup>3</sup> Vietnam,<sup>4</sup> and the first Persian Gulf war.5 That fact demands a serious effort to avoid prisoner abuse in present and future conflicts. Frankly, I assumed that prisoner abuse was not only illegal but that it was morally wrong, a perspective abetted by my own personal ethic. However, long before the development of the Geneva Conventions, the Qur'an had deemed prisoner abuse to be wrong (4:90, 6:108, 9:6, 33:26, 47:4, 49:9, and 60:7-8). Furthermore, Muslims believe that although God put kindness and mercy in the hearts of Christians (57: 27), some were false while others were upright (3:113-15, 5:82). Therefore, there is a grave danger that those who abuse Muslims prisoners will be counted not among the upright, but rather among the unjust, those who violate God's specific words. Since the Qur'an<sup>6</sup> commands Muslims to fight the unjust (e.g., 22:45), being identified as "among the unjust" involves great personal and organizational risk. In addition, the law of retaliation could be invoked to justify attacks against those who have hurt Muslims unjustly (e.g., 2:178, 194).

While some may attribute the prisoner abuse situation entirely to the Bush administration's policies, my experience suggests roots in sociology and psychology as well. Those roots led to a warning years before even 9/11: "It only takes one improperly trained or motivated soldier among a thousand to commit an offense against the Geneva Conventions that would cause our nation considerable embarrassment" and: "The honor and reputation of the US Army depend on firm and humane EPW treatment. We must not fail in this duty."<sup>7</sup>

After 9/11, I began to undertake a serious study of Islam and sought to understand that great religion from several perspectives.<sup>8</sup> I was impressed that the Qur'an specifically prohibits particular forms of prisoner abuse. Therefore, I was especially distressed when I read about the abuses at Abu Ghraib.<sup>9</sup> However, I was eager to ascertain the causes of such abuse.

The U.S. Army has produced an interesting book: *The Road to Abu Ghraib*.<sup>10</sup> However, sadly, it does not deal with the actual abuses but only with the history of EPW operations up to and immediately prior to the war in Iraq. A number of reports have considered what went wrong at Abu Ghraib,<sup>11</sup> including a recent book by the prison's former commander.<sup>12</sup> It appears that *Field Manual 34-52* (1992) allowed the interrogation, but not the physical abuse, of EPWs. Starting in December 2002, it seems that certain techniques were allowed, including yelling, stress positions, isolation for up to thirty days, deprivation of light/auditory stimuli, removal of all comfort items (including religious items), removal of clothing, exploiting individual phobias (e.g., dogs and such non-injurious physical contact as grabbing, poking, and light pushing), and sleep adjustment, according to a Naval IG Investigation (Appendix E). I will now discuss my perspective on the causes of the abuse.

# Adopting a Pragmatic Rather Than a Moral Perspective

In a coauthored paper, I conceded the following:

Those who treat their prisoners well usually find that the enemy treats their own captured personnel relatively well. While our treatment of German POWs was condemned as "too soft" during World War II, it influenced the Germans to treat our prisoners better than those of other Allied nations. The early release of the few US service personnel captured during the Persian Gulf War was tied to our humane treatment of his captured personnel.

However, I also provided nine other reasons for the humane treatment of EPWs, including a moral rationale:

For over 220 years, our nation's founding principles have highlighted the value of human life and are the basis for humane treatment of EPWs. When we live up to our own constitutional principles, we retain the 'moral high ground...'"<sup>13</sup>

Colonel Matthews noted, in the same issue of *Military Review*, that George Washington observed that military officers should be "men of character ... activated by principles of honour."<sup>14</sup> Other authors also recognized the importance of the "moral element" as a component of war.<sup>15</sup> Unfortunately, the editor, brave as he was to defy the Pentagon and publish the paper despite their objections, chose to focus on the pragmatic perspective:

Elsewhere in this issue, Colonel Walter Schumm et al. argue that we must uphold the highest standards of enemy prisoner of war treatment not only because our national ideals demand it, but also because international law requires it and, more important, fair treatment of prisoners tends to be reciprocated by most enemies.<sup>16</sup>

Most recently, Major General Scott C. Black, judge advocate general of the U.S. Army, was quoted as saying to Senator Russell Feingold at a Senate Judiciary Committee hearing:

Reciprocity is something that weighs heavily in all of the discussions that we are undertaking as we develop the process and rules for the commissions, and that's the exact reason, sir. The treatment of soldiers who will be captured on future battlefields is of paramount concern.<sup>17</sup>

Again, the idea is that even if the enemy does not hold any prisoners today, an enemy will surely hold some in the future; therefore, we should treat enemy prisoners well today for the sake of our own prisoners tomorrow. More recently, DiMarco argued:

History offers no modern examples of the strategic effectiveness of harsh interrogation techniques, but it is replete with examples of the negative strategic effects such techniques have on the counterinsurgency force.<sup>18</sup>

The dangers of such pragmatic perspectives are twofold. First, if the enemy fails to treat allied prisoners well, that may serve as a justification – although wrong – for retaliation against EPWs; the beheading of two captured American soldiers in June 2006 may reflect that sort of thing. Second, if the enemy fails to capture a significant number of prisoners, the lack of our own personnel in enemy custody may lead some to believe that there is no pragmatic reason to treat their EPWs humanely (Since they do not have any prisoners against whom to retaliate, we are getting a "free pass" to mistreat their prisoners.). Some may even ignore the risks to American soldiers who might become prisoners in the future. Therefore, I argue that the pragmatic perspective is a weaker argument for guaranteeing proper EPW treatment.

Sadly, I have heard comments from a few former veterans that since al-Qaeda has mistreated some allied prisoners, we no longer have any real obligation to treat their prisoners well – and even that their prisoners deserve to be mistreated. The pragmatic approach is simply insufficient, in my opinion. Why is it so hard to just acknowledge that mistreating prisoners is morally wrong, period? Colonel Goldman may have been right when he stated:

An interminable parade of appalling misbehavior by men and women in uniform has riveted public attention on traditional military values such as duty, honor and integrity. The media zealously speculates whether the U.S. military is in an irreparable ethics crisis. They ask, and we privately wonder, "Has the U.S. military lost its moral compass in this relativistic society?<sup>19</sup>

At the end of his article, Colonel Goldman noted: "We must begin now and aim for results 10 years from now." Perhaps if we had begun in 1998, we might not have risked losing the peace over the prisoner abuse scandals of 2003 and 2004. Indeed, Fareed Zakaria argued: "Ask any soldier in Iraq when the general population really turned against the United States and he will say, 'Abu Ghraib."<sup>19</sup> Zakaria supported his arguments by noting that Iraqi support for the occupation fell from 63 percent before Abu Ghraib to 9 percent one month after Abu Ghraib. History may prove that the Allied occupation lost its moral authority over prisoner abuse, just as, speaking of the French army, DiMarco noted: "Torture deprived the army of its moral authority."<sup>21</sup>

# Misunderstanding Human Nature under Authority

A second cause, I believe, is a failure to understand the human tendency to abuse others when permitted, even remotely, by authority. The Milgram experiments showed us that even good people can be steered in the direction of abusing human rights when ordered to do so by a seemingly competent authority.<sup>22</sup> In those experiments, subjects were told to expose apparent experimental subjects to higher and higher doses of electric shock, until they were nearly dying from the "treatment." Few objected, since they believed that the white-coated personnel had the proper authority to demand compliance and would assume responsibility for the harm done.

In military history, a classic blunder was General Robert E. Lee's giving "vague" orders to General J. E. B. Stuart, who conducted a cavalry raid to the north and east of Lee's army as it marched into Maryland and Pennsyl-

vania during the summer of 1863. Instead of serving as Lee's eyes and keeping track of the Union army's movement, Stuart raided Yankee homes and towns, thereby making himself a pest and increasing the Union's animosity toward the South and the Confederates. Lee made major mistakes because, at critical times, he had little idea of the Union army's location, strength, or direction of movement due to the overly vague instructions to his cavalry commander. Those mistakes have served as a warning to all military leaders since that time to remember that ambiguous instructions can lead to calamity, even to losing wars.

Moreover, far more serious than Stuart's meanderings is what can happen when subordinates perceive that their superiors condone lawlessness. As DiMarco has observed, "once violence is permitted to be exercised beyond the standards of legitimately recognized moral and legal bounds, it becomes exponentially more difficult to control."<sup>23</sup> Almost certainly, some of the abuses reported in Iraq have occurred because of such psychological truths. In the case of EPW operations, comments that the Geneva Conventions are "quaint" or "outdated" can send signals to key leaders and soldiers of all ranks that no one is really serious about complying with the conventions or our national moral principles. This potentially opens the floodgates for EPW abuse at a variety of locations and times.

The clearest example of this was represented by a memorandum from General Sanchez, in which he authorized several methods of prisoner interrogation that he admitted, in his own memorandum, could be seen by others as violations of the Geneva Conventions:

Incentive/Removal of Incentive: Providing a reward or removing a privilege, above and beyond those that are required by the Geneva Convention, from detainees. [Caution: Other nations that believe Detainees are entitled to EPW protections may consider that provision and retention of religious items (e.g., the Koran) are protected under international law (see, Geneva III, Article 34).] (Paragraph B, under Enclosure 1, "Interrogation Techniques.")

Attacking or insulting the ego of a detainee, not beyond the limits that would apply to an EPW. [Caution: Article 17 of Geneva III provides: "Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to any unpleasant or disadvantageous treatment of any kind." Other nations that believe detainees are entitled to EPW protections may consider this technique inconsistent with the provisions of Geneva.] (Paragraph I, under Enclosure 1, "Interrogation Techniques.")

Presence of Military Working Dogs: Exploits Arab fear of dogs while maintaining security during interrogations. Dogs will be muzzled and under control of MWD handler at all times to prevent contact with detainee. (Paragraph Y, under Enclosure 1, "Interrogation Techniques.")<sup>24</sup>

Other paragraphs permitted the use of "Mutt and Jeff," which some nations admit to be a violation of Article 13 of Geneva III: dietary and environmental manipulation, also considered by some nations to be possibly inhumane; sleep adjustment and isolation for *more than thirty days*, if properly briefed by the 205th Military Intelligence Brigade Commander prior to implementation; and stress positions.

Did Sanchez invent these ideas? I doubt it. As recently as June 2006, Clifford D. May, seeming to speak for the Bush administration, admitted that the position of the International Committee of the Red Cross was that all captives must be granted the privileges of prisoners of war, whereas: "The administration's view is that those who slit the throats of aid workers and dispatch suicide bombers to slaughter women and children have no claim to such privileges."<sup>24</sup> Even so, I doubt that most of the Guantanamo prisoners are guilty of such crimes; if they were, they should have been tried years ago and sentenced in accordance with international law. May goes on to ask: "Do militants who are both uncooperative and unrepentant deserve Club Med?"<sup>26</sup> May apparently fails to realize that similar questions were asked about our humane treatment of Germans and Japanese, even Nazis, during World War II – yet at that time, the political leadership of the United States gave a radically different answer!

When a major commander, a three-star flag officer apparently under the direction of his superiors, is willing to cut corners on compliance with the Geneva Conventions, perhaps seeing just how close one can come to not quite violating them, one might as well expect that lower ranking subordinates will, like Jeb Stuart, take advantage and use the situation as an excuse to exercise their worse selves and mistreat enemy prisoners. Rather, generals Sanchez and Karpinski should have rejected any such ideas and insisted on the strictest compliance with the Geneva Conventions and Army Regulations, ensuring that all subordinates, including the commander of the 205th Military Intelligence Brigade, would fear the gravest consequences should they either violate the rules in any manner whatsoever or fail to report any such violations through the chain of command. Soldiers should have been briefed that promotions and awards would be in order for those who accurately reported any mistreatment of prisoners, regardless of the circumstances. Illegal orders have been given before to military subordinates; however, as Colonel Mat-

thews pointed out, "the legality of orders as a condition for compliance has become an essential factor in the officer's professional deliberations."<sup>27</sup>

As convenient as it might be for some to rewrite the Geneva Conventions and develop special categories of EPW who do not deserve humane treatment,<sup>28</sup> the conventions clearly specify that all captives must be treated humanely. If a captive is convicted of a capital crime, the penalty may be execution. However, as long as the captive is alive, he or she has a right to fair and humane treatment, even after being convicted by a due legal process.

The other side of this coin is that those who abuse prisoners should face due process for their crimes rather than being protected, as it appears United States attorney general Alberto Gonzalez is attempting to do by getting an exemption for American personnel who may have abused prisoners in their custody.<sup>29</sup> Unfortunately, even if superiors ordered violations of international law, subordinates have, in the past, been held accountable for disobeying illegal orders. Of course those who issue such orders deserve prosecution, even if they themselves did not actually ever so much as see a single prisoner of war. One has to wonder if Gonzalez, who may have said that the Geneva Conventions were "quaint," is not trying to protect himself from future prosecution as much as trying to protect any American service personnel from future prosecution.

### **Deficient Leadership**

Third, I think that the intermediate leaders failed. When asked by a reporter for the *St. Petersburg Times* in December 2003 what she did as commander of the 800th Military Police Brigade (EPW), General Janice Karpinski replied: "Everyone assigned here carries on the tradition of fishing"<sup>30</sup> in one of Saddam's old lakes. When asked how often she visited each of her EPW sites, she said that she tried to visit each one "at least once every three months."<sup>31</sup> Since she had fifteen sites, one may deduce that she visited about one site a week. Such an inspection schedule is simply inadequate for the supervision of almost any type of civilian or military operation. The expression "When the cat's away, the mice will play" is still true. Soldiers do what the commander checks. If the commander does not check, the soldiers may end up doing outrageous things. A good commander does not depend solely on the subordinate commanders' good will for reporting problems on their watch. (There will always be a tendency to put the best face on any "issues.")

Nowhere is this more true than with respect to EPW abuse. As a senior commander, one cannot accept the excuse that some soldiers are exempt

from inspection because they are in a "secure area." Secure documents can be covered to allow the senior commander to inspect. There should be no area in which prisoners can be abused at will, regardless of whether the CIA, civilians, or military personnel are running the operation. A recent article in *Esquire* magazine suggests that even after Abu Ghraib had been revealed, the United States was running abusive EPW interrogation sites at other locations in Iraq, if not elsewhere.<sup>32</sup>

If the higher powers do not like a Military Police commander demanding to inspect areas to ensure that prisoners are being treated humanely at all times and in all places, then the commander can allow himself or herself to be relieved of command for that very reason. Commanders should take the line that "You can't come in here, sir" as a definitive clue that they need to go in there and find out what is really going on. Commanders must arrange for inspections of EPW areas at inconvenient times and places to be sure that prisoner abuse is not occurring when no one expects the commander to appear. If a commander is forcibly prevented from inspecting areas for some reason, he or she had better start producing memorandums for the record with all of the details and actively seek other venues for checking on abuse (e.g., asking prisoners themselves about possible abuse).

### **Failure to Understand Islamic Culture**

Lastly, I believe that American soldiers and leaders probably failed to understand Islamic culture. Muslims are correctly opposed to murder, even of Jews or Christians, because of the Islamic teaching that all life is sacred.<sup>33</sup> As noted earlier, Islam condemns any abuse of prisoners. The Allied forces' abuse of prisoners can have no other effect than to remind Muslims of injustice and the evils of violating God's commands, as found in the Qur'an. One can hardly think of a better motivator for insurgents to justify their perception of Allied forces as unjust occupiers instead of respectful guests in Iraq. As mentioned above, God enjoins Muslims to fight injustice. Furthermore, some EPWs have died or have been killed while under the protection of Allied forces. Since murder is a sin that God may not forgive, it may be virtually impossible for Muslims to forgive Allied forces who appear to be responsible for killing a defenseless Muslim under their control.<sup>34</sup> Setting up such difficult conditions is not the way to try to help rebuild a fledgling democracy in a culture that has enough of its own challenges already.

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### Conclusion

In the end, it will not be the "six [enlisted] morons who lost the war," but the leadership of the nation and the army whose faulty ethics and ignorance of the importance of EPW operations, not to mention of Islamic culture, allowed definitions of POW/EPW status to be rewritten<sup>35</sup> and, therefore, abuses to occur – abuses that inspired the insurgents to fight with even more determination to rid their sacred Islamic lands of an occupying force of a different religion.<sup>36</sup> Regardless of the United States' national security interests, EPW abuse is simply wrong from almost any moral perspective, even if some so-called Christian organizations are reluctant to condemn EPW abuse, as noted recently by Randall Balmer.<sup>37</sup> If it were possible for me to apologize to the entire Islamic world for our errors and pray for their forgiveness, I surely would, though it would not be deserved and perhaps not likely to be granted. I can certainly say that abuse of EPWs is not consistent with the American military and moral principles that I was taught to respect and obey.

While some may accuse some Americans of post-Abu Ghraib repentance, American military writings, including this author's, well before 9/11 were consistent in their support of the Geneva Conventions and humane EPW treatment. If anything, recent events have reaffirmed the strategic importance often attained by prisoner of war operations, as noted in previous commentary,<sup>38</sup> and more recently by Zakaria.<sup>39</sup> In my view, the ultimate security of any nation depends on its moral values just as much or even more than whatever technological superiority it might possess from an economic or military perspective.

I hope that, as Americans, we never forget this and that we honor our traditional moral principles accordingly, even if they appear to be ignored or trivialized among some political elites.<sup>40</sup> Applying such noble principles must be extended to all areas, not the least of which includes the proper treatment of prisoners of war.<sup>41</sup> If the situation in Iraq deteriorates into chaos, history will surely identify one of the principal causes as the moral failures of the Allied coalition's improper treatment of Muslim prisoners of war as well as other detainees.

#### Endnotes

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- The only consolation I felt was finding out that my old unit, the 530th Military Police Battalion (EPW), was the only unit cited as both knowing and performing their jobs in accordance with the appropriate standards, according to the Taguba Report.
- 10. John F. Gebhardt, *The Road to Abu Ghraib: U.S. Army Detainee Doctrine and Experience* (Fort Leavenworth, KS: Combat Studies Institute Press, 2004).
- 11. George P. Fogarty, "Is Guantanamo Bay Undermining the Global War on Terror," *Parameters* 35, no. 3 (autumn 2005): 54-71.

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- 12. Janis L. Karpinski, One Woman's Army: The Commanding General of Abu Ghraib Tells Her Story (New York: Miramax, 2005). In her book, now Colonel Karpinski notes that she was promoted to lieutenant colonel about 1998, to colonel in 2001, and to brigadier general in February 2003, relatively brief periods that may not have allowed her the normal amount of time to mature in a variety of assignments while in each rank. She held at least five, possibly six, positions between the time she assumed battalion command in 1997 or later and when she took command of the 800th MP Brigade (pp. 139-45), positions that might normally be three to four year tours each. The goal of serving in a senior position should be to prepare for future mobilization, rather than merely getting a six-to-twelve month Officer Efficiency Report, briefly "punching a ticket" to impress other officers or promotion boards. She took command of the 800th Military Police Brigade in late July 2003 and did not hear of the prisoner abuse until 13 January 2004. I consider it revealing that she credits General Sanchez (p. 20), General Taguba (p. 226), and herself (p. 226) with being worried about what the scandal would do to the reputation of the United States Army. Far more important, in my view, was the issue of what the scandal would do to the honor of the United States of America and, by extension, to its reputed ideals of freedom and democracy, and to the credibility of those ideals internationally.
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- 31. Ibid., 4.
- John H. Richardson, "Acts of Conscience," Esquire 146, no. 2 (August 2006), 32. 102-09, 150-54.
- 33. Yusuf al-Qaradawi, The Lawful and the Prohibited in Islam (Plainfield, IN: American Trust Publications, 1999), 323-26.
- 34. Ibid., 323.
- Ayres, "Six Floors of Detainee Operations in the Post-9/11 World." 35.
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- Randall Balmer, "Evangelicalism Betrayed," The Chronicle of Higher 37. Education 52, no. 42 (23 June 2006): B-6-B-9; Randall Balmer, How the Religious Right Distorts the Faith and Threatens America: An Evangelical's Lament (New York: Perseus Books, 2006).
- 38.
- Schumm et al., "Treat Prisoners Humanely." Zakaria, "Pssst.... Nobody Loves a Torturer." 39.
- Senator John McCain, Senator Lindsey O. Graham (who is also a reserve Air 40. Force appellate judge), retired General Colin Powell, and other political and military leaders in the United States are to be commended for taking clear stands against the abuse of prisoners of war. I have received reports from veterans of the Iraq war that, in some cases, insurgent activity increased against those Allied forces that were perceived as having treated the local citizenry, prisoners, and others unjustly.
- Mark Hosenball and Michael Isikoff, "Out from the Shadows," Newsweek 41. 148, no. 12 (18 September 2006): 32-33. Just in case the reader still believes that torture "works," the authors noted that some of the false information about weapons of mass destruction that helped "justify" the United States' invasion of Iraq was acquired by torturing a prisoner of the Egyptian government who admitted that he had "made it all up so his Egyptian interrogators would stop beating him" (p. 33). Similarly, Ron Suskind, in "The Unofficial Story of the al-Qaeda 14," Time 168, no. 12 (18 September 2006): 34-35, reported that the brutal interrogation of Abu Zubaydah "yielded little from threats and torture. He named countless targets inside the U.S. to stop the pain, all of them immaterial."