Knowledge, including of the worst behavior, strengthens the search for the best.

Compiled by Dick Bennett, Building a Culture of Peace.

See Cheney and Civil Liberties NDAA newsletters and International Day in Support of Victims of Torture Newsletter.

JUNE IS UN TORTURE AWARENESS MONTH
JUNE 26 IS UN INTERNATIONAL DAY IN SUPPORT OF VICTIMS OF TORTURE
OMNI NATIONAL/INTERNATIONAL DAYS PROJECT

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Professor McCoy Exposes the History of CIA Interrogation, From the Cold War to the War on Terror
We now take a look at what lies behind the shocking images of torture at Abu Ghraib prison by turning to the history of the CIA and torture techniques. Professor Alfred McCoy talks about his book "A Question of Torture", a startling expose of the CIA development of psychological torture from the Cold War to Abu Ghraib. CIA mercenaries attempted to assassinate McCoy more than 30 years ago. Filed under Afghanistan

We now take a look at what lies behind the shocking images of torture at Abu Ghraib by turning to the history of the CIA and torture techniques. The International Committee of the Red Cross, Amnesty International and other human rights groups say the recently released images of abuse of Iraqi prisoners at Abu Ghraib show a clear violation of international humanitarian law. The U.S. made a pledge against torture when Congress ratified the UN Convention Against Torture in 1994—but it was ratified with reservations that exempted the CIA’s psychological torture method. So what were the results?

A new expose gives an account of the CIA’s secret efforts to develop new forms of torture spanning fifty years. It reveals how the CIA perfected its methods, distributing them across the world from Vietnam to Iran to Central America, uncovering the roots of the Abu Ghraib and Guantanamo torture scandals. The book is titled "A Question of Torture: CIA Interrogation, From the Cold War to the War on Terror."

Alfred McCoy, professor of history at the University of Wisconsin-Madison. Author of "A Question of Torture: CIA Interrogation, From the Cold War to the War on Terror" and also "The Politics of Heroin: CIA Complicity in the Global Drug Trade."

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Transcript

AMY GOODMAN: A new expose gives an account of the CIA’s secret efforts to develop new forms of torture, spanning half a century. It reveals how the CIA perfected its methods, distributing them across the world, from Vietnam to Iran to Central America, uncovering the roots of the Abu Ghraib and Guantanamo torture scandals. The book is called A Question of Torture: CIA Interrogation, from the Cold War to the War on Terror, and we're joined by its author, Alfred McCoy, professor of history at the University of Wisconsin, Madison. We welcome you to Democracy Now!

ALFRED MCCOY: Thank you, Amy.

AMY GOODMAN: And glad to have you with us, especially in light of your history. I first learned of you with your first book The Politics of Heroin: CIA Complicity in the Global Drug Trade, for which you almost died. What happened then?

ALFRED MCCOY: Oh, when I was researching that book in the mountains of Laos, hiking from village to village, interviewing Laotian farmers about their opium harvest, and they were telling me that they took it down to the local helicopter pad where Air America helicopters would land, Air America being a subsidiary of the CIA, and officers, tribal officers in the CIA’s secret army would buy the opium and fly it off to the CIA’s secret compound, where it would be transformed into heroin and
ultimately wound up in South Vietnam. And while I was doing that research, hiking from village to village, interviewing farmers, we were ambushed by a group of C.I.A. mercenaries. Fortunately, I had five militiamen from the village with me, and we shot our way out of there, but they came quite close. Then later on, a C.I.A. operative threatened to murder my interpreter unless I stopped doing that research. And then when —

**AMY GOODMAN:** How did you know they were C.I.A.?

**ALFRED McCoy:** Oh, look, in the mountains of Laos, there aren’t that many white guys, okay? I mean, the mercenaries? First of all, the C.I.A. ran what was called the "Army Clandestine." They had a secret army, and those soldiers that ambushed us were soldiers in the secret army. That, we knew.

**AMY GOODMAN:** The Laotian army?

**ALFRED McCoy:** The C.I.A.’s secret army.

**AMY GOODMAN:** The Laotian mercenaries?

**ALFRED McCoy:** Laotian mercenaries. That, everybody was clear about that. Nobody denied that. They said it was sort of an accident, but, no, it was very clear that it was intentional. And ultimately, when the book was in press, the head of covert operations for the C.I.A. called up my offices and my publisher in New York and suggested that the publisher suppress the book. They then got the right to prior review — the publisher compromised.

**AMY GOODMAN:** C.I.A. prior review.

**ALFRED McCoy:** Prior review of the manuscript, and they issued a 14-page critique. The publisher’s legal department, HarperCollins’s legal department reviewed the critique, reviewed the manuscript, published the book unchanged, not a word changed.

**AMY GOODMAN:** And the contention of that book was that the C.I.A. was complicit in the global drug trade?

**ALFRED McCoy:** Right. In the context of conducting covert operations around the globe, particularly in the Asian opium zone, which stretched from the Golden Triangle of Vietnam and Laos all the way to Afghanistan, that in those mountains far away from home, when the C.I.A. had to mobilize tribal armies, the only allies were warlords, and when the C.I.A. formed an alliance with them, the warlords used this alliance to become drug lords, and the C.I.A. didn’t stop them from their involvement in the traffic.

**AMY GOODMAN:** Well, as a professor at the University of Wisconsin, Madison, you have not stopped looking at the C.I.A., and now you’ve written this new book. It’s called *A Question of Torture: C.I.A. Interrogation, from the Cold War to the War on Terror*. Give us a history lesson.

**ALFRED McCoy:** Well, if you look at the most famous of photographs from Abu Ghraib, of the Iraqi standing on the box, arms extended with a hood over his head and the fake electrical wires from his arms, okay? In that photograph you can see the entire 50-year history of C.I.A. torture. It’s very simple. He’s hooded for sensory disorientation, and his arms are extended for self-inflicted pain. And those are the two very simple fundamental C.I.A. techniques, developed at enormous cost.

From 1950 to 1962, the C.I.A. ran a massive research project, a veritable Manhattan Project of the mind, spending over $1 billion a year to crack the code of human consciousness, from both mass persuasion and the use of coercion in individual interrogation. And what they discovered — they tried LSD, they tried mescaline, they tried all kinds of drugs, they tried electroshock, truth serum, sodium pentathol. None of it worked. What worked was very simple behavioral findings, outsourced to our leading universities — Harvard, Princeton, Yale and McGill — and the first breakthrough came at
McGill. And it’s in the book. And here, you can see the — this is the — if you want show it, you can. That graphic really shows — that’s the seminal C.I.A. experiment done in Canada and McGill University —

AMY GOODMAN: Describe it.

ALFRED MCCOY: Oh, it’s very simple. Dr. Donald O. Hebb of McGill University, a brilliant psychologist, had a contract from the Canadian Defense Research Board, which was a partner with the C.I.A. in this research, and he found that he could induce a state of psychosis in an individual within 48 hours. It didn’t take electroshock, truth serum, beating or pain. All he did was had student volunteers sit in a cubicle with goggles, gloves and headphones, earmuffs, so that they were cut off from their senses, and within 48 hours, denied sensory stimulation, they would suffer, first hallucinations, then ultimately breakdown.

And if you look at many of those photographs, what do they show? They show people with bags over their head. If you look at the photographs of the Guantanamo detainees even today, they look exactly like those student volunteers in Dr. Hebb’s original cubicle.

Now, then the second major breakthrough that the C.I.A. had came here in New York City at Cornell University Medical Center, where two eminent neurologists under contract from the C.I.A. studied Soviet K.G.B. torture techniques, and they found that the most effective K.G.B. technique was self-inflicted pain. You simply make somebody stand for a day or two. And as they stand — okay, you’re not beating them, they have no resentment — you tell them, "You’re doing this to yourself. Cooperate with us, and you can sit down." And so, as they stand, what happens is the fluids flow down to the legs, the legs swell, lesions form, they erupt, they suppurate, hallucinations start, the kidneys shut down.

Now, if you look at the other aspect of those photos, you’ll see that they’re short-shackled — okay? — that they’re long-shackled, that they’re made — several of those photos you just showed, one of them with a man with a bag on his arm, his arms are straight in front of him, people are standing with their arms extended, that’s self-inflicted pain. And the combination of those two techniques — sensory disorientation and self-inflicted pain — is the basis of the C.I.A.’s technique.

AMY GOODMAN: Who has pioneered this at the C.I.A.?

ALFRED MCCOY: This was done by Technical Services Division. Most of the in-house research involved drugs and all of the LSD experiments that we heard about for years, but ultimately they were a negative result. When you have any large massive research project, you get — you hit dead ends, you hit brick walls, you get negative results. All the drugs didn’t work. What did work was this.

AMY GOODMAN: But when you talk about the ‘everyone knows the LSD experiments,’ I don’t think everyone knows. In fact, I would conjecture that more than 90% of Americans don’t know that the C.I.A. was involved with LSD experiments on unwitting Americans. Can you explain what they did?

ALFRED MCCOY: Oh, sure. As a part of this comprehensive survey of human consciousness, the C.I.A. tried every possible techniques. And one of the things that they — at the time that this research started in the 1940s, a Swiss pharmaceutical company developed LSD.

AMY GOODMAN: Which one?

ALFRED MCCOY: I forget now. One of the major Swiss pharmaceutical companies. And Dr. Hoffman there was the man who developed it. The C.I.A. bought substantial doses, and they conducted experiments. One of the most notorious experiments was that Dr. Sidney Gottlieb, inside the agency, spiked the drinks of his co-workers, and one of those co-workers suffered a breakdown, Dr. Frank Olson, and he either was — I don’t know whether he was pushed or jumped from a hotel here in New York City —
AMY GOODMAN: His son has never stopped pursuing this case?

ALFRED McCOY: Right, his son Eric Olson insists that his father was murdered by the C.I.A. Eric Olson believes that his father did a tour of Europe, and he visited the ultimate Anglo-American test site, black site near Frankfurt, where they were doing lethal experiments, fatal experiments, on double agents and suspected double agents, and that his father returned enormously upset by the discovery that this research was actually killing people, and that, therefore, Eric Olson argues his father was killed by the C.I.A., that he was pushed.

AMY GOODMAN: And didn’t they do experiments in brothels in the San Francisco area?

ALFRED McCOY: They had two kind of party houses. They had one in the San Francisco Bay Area, another in New York City. And what they did in San Francisco was they had prostitutes who go out to the streets, get individuals, bring them back, give them a drink, and there would be a two-way mirror, and the C.I.A. would photograph these people.

AMY GOODMAN: So, the C.I.A. were running the brothel.

ALFRED McCOY: They were running the brothel. They were running all of these experiments, okay? They did that on Army soldiers through the Army Chemical Warfare Division.

AMY GOODMAN: What did they do there?

ALFRED McCOY: Again, they gave them LSD and other drugs to see what effect they would have.

AMY GOODMAN: And what did the soldiers think they were getting?

ALFRED McCOY: They were just told they were participating in an experiment for national defense.

AMY GOODMAN: Prisoners?

ALFRED McCOY: No, these were —

AMY GOODMAN: Right, but also on prisoners, were there experiments?

ALFRED McCOY: There were some in prisons in the United States and also the Drug Treatment Center in Lexington, Kentucky. The Federal Drug Treatment Center in Lexington, Kentucky, had this. All of this research, all this very elaborate research —

AMY GOODMAN: On unwitting Americans?

ALFRED McCOY: Unwitting Americans, produced nothing, okay? What they found time and time again is that electroshock didn’t work, and sodium pentathol didn’t work, LSD certainly didn’t work. You scramble the brain. You got unreliable information. But what did work was the combination of these two rather boring, rather mundane behavioral techniques: sensory disorientation and self-inflicted pain.

And in 1963, the C.I.A. codified these results in the so-called KUBARK Counterintelligence Manual. If you just type the word "KUBARK" into Google, you will get the manual, an actual copy of it, on your computer screen, and you can read the techniques [Read the report]. But if you do, read the footnotes, because that’s where the behavioral research is. Now, this produced a distinctively American form of torture, the first real revolution in the cruel science of pain in centuries, psychological torture, and it’s the one that’s with us today, and it’s proved to be a very resilient, quite adaptable, and an enormously destructive paradigm.

Let’s make one thing clear. Americans refer to this often times in common parlance as "torture light." Psychological to torture, people who are involved in treatment tell us it’s far more destructive, does far more lasting damage to the human psyche than does physical torture. As Senator McCain said, himself,
last year when he was debating his torture prohibition, faced with a choice between being beaten and psychologically tortured, I’d rather be beaten. Okay? It does far more lasting damage. It is far crueler than physical torture. This is something that we don’t realize in this country.

Now, another thing we see is those photographs is the psychological techniques, but the initial research basically developed techniques for attacking universal human sensory receptors: sight, sound, heat, cold, sense of time. That’s why all of the detainees describe being put in dark rooms, being subjected to strobe lights, loud music, okay? That’s sensory deprivation or sensory assault. Okay, that was sort of the phase one of the C.I.A. research. But the paradigm has proved to be quite adaptable.

Now, one of the things that Donald Rumsfeld did, right at the start of the war of terror, in late 2002, he appointed General Geoffrey Miller to be chief at Guantanamo, alright, because the previous commanders at Guantanamo were too soft on the detainees, and General Miller turned Guantanamo into a de facto behavioral research laboratory, a kind of torture research laboratory. And under General Miller at Guantanamo, they perfected the C.I.A. torture paradigm. They added two key techniques. They went beyond the universal sensory receptors of the original research. They added to it an attack on cultural sensitivity, particularly Arab male sensitivity to issues of gender and sexual identity.

And then they went further still. Under General Miller, they created these things called "Biscuit" teams, behavioral science consultation teams, and they actually had qualified military psychologists participating in the ongoing interrogation, and these psychologists would identify individual phobias, like fear of dark or attachment to mother, and by the time we’re done, by 2003, under General Miller, Guantanamo had perfected the C.I.A. paradigm, and it had a three-fold total assault on the human psyche: sensory receptors, self-inflicted pain, cultural sensitivity, and individual fears and phobia.

AMY GOODMAN: And then they sent General Miller to, quote, "Gitmo-ize" Abu Ghraib. Professor McCoy, we’re going to break for a minute, and then we’ll come back. Professor Alfred McCoy, professor of history at the University of Wisconsin, Madison. His latest book is called *A Question of Torture: C.I.A. Interrogation, from the Cold War to the War on Terror*.

[break]

AMY GOODMAN: We are talking to Alfred McCoy, professor of history at the University of Wisconsin, Madison, author of a number of books. *The Politics of Heroin: C.I.A. Complicity in the Global Drug Trade* almost had him killed. Afterwards, the C.I.A. tried to have the book squelched, but ultimately it was published. Then *A Question of Torture: C.I.A. Interrogation from the Cold War to the War On Terror* is his latest book, and we’re talking about the history of torture. Continue with what you were saying, talking about the Biscuit teams, the use of psychologists in Guantanamo, and then Geoffrey Miller, going from Guantanamo to, quote, "Gitmo-ize" Abu Ghraib.

ALFRED MCCOY: In mid-2003, when the Iraqi resistance erupted, the United States found it had no intelligence assets; it had no way to contain the insurgency, and they — the U.S. military was in a state of panic. And at that moment, they began sweeping across Iraq, rounding up thousands of Iraqi suspects, putting many of them in Abu Ghraib prison. At that point, in late August 2003, General Miller was sent from Guantanamo to Abu Ghraib, and he brought his techniques with him. He brought a CD, and he brought a manual of his techniques. He gave them to the M.P. officers, the Military Intelligence officers and to General Ricardo Sanchez, the U.S. Commander in Iraq.

In September of 2003, General Sanchez issued orders, detailed orders, for expanded interrogation techniques beyond those allowed in the U.S. Army Field Manual 3452, and if you look at those techniques, what he’s ordering, in essence, is a combination of self-inflicted pain, stress positions and sensory disorientation, and if you look at the 1963 C.I.A. KUBARK Counterintelligence Interrogation Manual, you look at the 1983 C.I.A. Interrogation Training Manual that they used in Honduras for
training Honduran officers in torture and interrogation, and then twenty years later, you look at General Sanchez’s 2003 orders, there’s a striking continuity across this forty-year span, in both the general principles, this total assault on the existential platforms of human identity and existence, okay? And the specific techniques, the way of achieving that, through the attack on these sensory receptors.

AMY GOODMAN: And Rumsfeld’s comment, when asked if it was torture, when people were forced to stand hours on end, that he stands at his desk?

ALFRED MCCOY: Right, he wrote that in one of his memos. When he was asked to review the Guantanamo techniques in late 2003 or early 2004, he scribbled that marginal note and said, you know, "I stand at my desk eight hours a day." He has a designer standing desk. "How come we’re limiting these techniques of the stress position to just four hours?" So, in other words, that was a clear signal from the Defense Secretary. Now, one of the problems beyond the details of these orders is torture is an extraordinarily dangerous thing. There’s an absolute ban on torture for a very good reason. Torture taps into the deepest recesses, unexplored recesses of human consciousness, where creation and destruction coexist, where the infinite human capacity for kindness and infinite human capacity for cruelty coexist, and it has a powerful perverse appeal, and once it starts, both the perpetrators and the powerful who order them, let it spread, and it spreads out of control.

So, I think when the Bush administration gave those orders for, basically, techniques tantamount to torture at the start of the war on terror, I think it was probably their intention that these be limited to top al-Qaeda suspects, but within months, we were torturing hundreds of Afghans at Bagram near Kabul, and a few months later in 2003, through these techniques, we were torturing literally thousands of Iraqis. And you can see in those photos, beyond the details of the techniques that we’ve described, you can see how that once it starts, it becomes this Dantesque hell, this kind of play palace of the darkest recesses of human consciousness. That’s why it’s necessary to maintain an absolute prohibition on torture. There is no such thing as a little bit of torture. The whole myth of scientific surgical torture, that torture advocates, academic advocates in this country came up with, that’s impossible. That cannot operate. It will inevitably spread.

AMY GOODMAN: So when, Professor McCoy, you started seeing these images, the first photos that came out at Abu Ghraib, the pictures we showed of the, you know, hooded man, electrodes coming out of his fingers, standing on the box, your response?

ALFRED MCCOY: Oh, I mean, the reason I wrote this book is when that photo came out in April 2004 on CBS news, at the Times, William Safire, for example, writing in the New York Times said this was the work of creeps. Later on, Defense Secretary Schlesinger said that this was just abuse by a few people on the night shift. There was another phrase: "Recycled hillbillies from Cumberland, Maryland." In other words, this was the bad apple thesis. We could blame these bad apples. I looked at those photos, I didn’t see individual abuse. What I saw was two textbook trademark C.I.A. psychological interrogation techniques: self-inflicted pain and sensory disorientation.

AMY GOODMAN: We read our first headline today. It was about Maher Arar and the case — the judge has thrown out against him, the Canadian-Syrian man who was sent back to Syria — the U.S. government calls it "extraordinary rendition," and he was kept in an underground "grave-like" cell, he described, very small. He was held for almost a year. As you showed, and I looked at the book, the pictures of the places where prisoners are kept, and in speaking to Maher, he’s described this level of sensory deprivation. What about the shape and the size and the coffin-like nature of these rooms?

ALFRED MCCOY: The details are often left to the individual interrogators, but the manuals basically describe how you control the process, you control the environment right from the start when you pick somebody up. So, for example, often times we see in Iraq of people when they’re arrested, their arms are behind their back. They’re made to kneel in very uncomfortable positions, and they’re hooded right
away. That’s one of the things they always specify is the time and conditions of arrest. You begin to break them down. You create this artificial environment of control, and then the techniques always vary. It can be extreme darkness or it can be extreme light; it can be absence of sound or a bombardment of sound.

AMY GOODMAN: And that bombardment of sound is often joked about. 'Oh, we played Britney Spears really loud,' or whatever it is. I don’t know if it was her. But that’s become a joke when soldiers play loud music.

ALFRED McCoy: Well, though, actually, that’s one of the problems of talking about this topic in the United States, is that we regard all of this panoply of psychological techniques as "torture light," as somehow not really torture. Okay? And we’re the only country in the world that does that. The U.N. convention bars — defines torture as the infliction of severe psychological or physical pain. The U.N. convention which bans torture in 1984 gives equal weight to psychological and physical techniques. We alone as a society somehow exempt all of these psychological techniques. That dates back, of course, to the way we ratified the convention in the first place.

Back in the early 1990s, when the United States was emerging from the Cold War, and we began this process of, if you will, disarming ourselves and getting beyond all of these techniques, trying to sort of bring ourselves in line with rest of the international community, when we sent that — when President Clinton sent the U.N. Anti-Torture Convention to the U.S. Congress for ratification in 1994, he included four detailed paragraphs of reservation that had, in fact, been drafted by the Reagan administration, and he adopted them without so much as changing a semicolon. And when you read those detailed paragraphs of reservation, what you realize is this, is that the United States Congress ratified the treaty, but basically we outlawed only physical torture. Those photographs of reservation are carefully written to avoid one word in the 26 printed pages of the U.N. convention. That word is "mental." Basically, we exempted psychological torture.

Now, another problem for the United States, as well, was when the U.S. Army re-wrote the Army Field Manual in 1992, the same period, while, although let’s say the civil authorities were sort of skirting the law by exempting psychological techniques, the U.S. Army re-wrote their field manual with the intention of strictly observing the letter and the spirit of the U.N. Anti-Torture Convention and other similar treaties. So what happened is that when the Defense Department gave orders for extreme techniques, when General Sanchez gave orders for his techniques beyond the Army Field Manual, what that meant is when the soldiers were actually investigated, they had committed crimes under the Uniform Code of Military Justice. They would be prosecuted, and they’re all being sent to jail.

AMY GOODMAN: Professor McCoy, you wrote a piece, "Why the McCain Torture Ban Won’t Work: The Bush Legacy of Legalized Torture."

ALFRED McCoy: Right. Most Americans think that it’s over, that in last year, December 2005, the U.S. Congress passed the Detainee Treatment Act 2005, which in the language of Senator McCain, who was the original author of that amendment to the defense appropriation, the author of that act, it bars all inhumane or cruel treatment, and most people think that’s it, that it’s over, okay? Actually, what has happened is the Bush administration fought that amendment tooth and nail; they fought it with loopholes. Vice President Cheney went to Senator McCain and asked for a specific exemption for the C.I.A. McCain refused. The National Security Advisor went to McCain and asked for certain kinds of exemptions for the C.I.A. He refused.

So then they started amending it. Basically what happened is, through the process, they introduced loopholes. Look, at the start of the war on terror, the Bush administration ordered torture. President Bush said right on September 11, 2001, when he addressed the nation, "I don’t care what the international lawyers say. We’re going to kick some ass." Those were his words, and then it was up to
his legal advisors in the White House and the Justice Department to translate his otherwise unlawful orders into legal directives, and they did it by crafting three very controversial legal principles. One, that the President, as Commander-in-Chief, could override laws and treaties. Two, that there was a possible defense for C.I.A. interrogators who engage in torture, and the defenses were of two kinds. First of all, they played around with the word "severe," that torture is the infliction of severe pain. That’s when Jay Bybee, who was Assistant Attorney General, wrote that memo in which he said, "severe' means equivalent to organ failure," in other words, right up to the point of death. The other thing was that they came up with the idea of intentionality. If a C.I.A. interrogator tortured, but the aim was information, not pain, then he could say that he was not guilty. The third principle, which was crafted by John Yoo, was Guantanamo is not part of the United States; it is exempt from the writ of U.S. courts. Now, in the process of ratifying — sorry, passing the McCain torture —- the torture prohibition, McCain’s ban on inhumane treatment, the White House has cleverly twisted the legislation to re-establish these three key principles. In his signing statement on December 30, President Bush said —

AMY GOODMAN: This was the statement that he signed as he signed the McCain so-called ban on torture?

ALFRED McCOY: Right, he emailed it at 8:00 at night from his ranch in Crawford on December 30th, that he was signing this legislation into law. He said, "I reserve the right, as Commander-in-Chief and as head of the unitary executive, to do what I need to do to defend America." Okay, that was the first thing. The next thing that happened is that McCain, as a compromise, inserted into the legislation a provision that if a C.I.A. operative engages in inhumane treatment or torture but believes that he or she was following a lawful order, then that’s a defense. So they got the second principle, defense for C.I.A. torturers. The third principle was —- is that the White House had Senator Lindsey Graham of South Carolina amend McCain’s amendment by inserting language into it, saying that for the purposes of this act, the U.S. Navy base at Guantanamo Bay is not on U.S. territory, and last month ——

AMY GOODMAN: Ten seconds.

ALFRED McCOY: So, and then in the last month, the Bush administration has gone to federal courts and said, "Drop all of your habeas corpus suits from Guantanamo." There are 160 of them. They’ve gone to the Supreme Court and said, "Drop your Guantanamo case." They have, in fact, used that law to quash legal oversight of their actions.

AMY GOODMAN: We have to leave it there. I want to thank you very much, Professor Al McCoy, for speaking with us, professor of history at University of Wisconsin, Madison, his book A Question of Torture: C.I.A. Interrogation, from the Cold War to the War On Terror.

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Critical Human Rights Steve J. Stern and Scott Straus, Series Editors

“A masterful account of an appalling national drift toward accepting torture as part of our culture and polity.”

—Alex Gibney, director, Oscar-winning documentary Taxi to the Dark Side

See above Interview with Author on Democracy Now.
Many Americans have condemned the “enhanced interrogation” techniques used in the War on Terror as a transgression of human rights. But the United States has done almost nothing to prosecute past abuses or prevent future violations. Tracing this knotty contradiction from the 1950s to the present, historian Alfred W. McCoy probes the political and cultural dynamics that have made impunity for torture a bipartisan policy of the U.S. government.

During the Cold War, McCoy argues, the U.S. Central Intelligence Agency covertly funded psychological experiments designed to weaken a subject’s resistance to interrogation. After the 9/11 terrorist attacks, the CIA revived these harsh methods, while U.S. media was flooded with seductive images that normalized torture for many Americans. Ten years later, the U.S. had failed to punish the perpetrators or the powerful who commanded them, and continued to exploit intelligence extracted under torture by surrogates from Somalia to Afghanistan. Although Washington has publicly distanced itself from torture, disturbing images from the prisons at Abu Ghraib and Guantanamo are seared into human memory, doing lasting damage to America’s moral authority as a world leader.

Alfred W. McCoy is the J.R.W. Smail Professor of History at the University of Wisconsin–Madison. His many books include Policing America’s Empire and A Question of Torture.

For more information regarding publicity and reviews contact our publicity manager, phone: (608) 263-0734, email: publicity@uwpress.wisc.edu

"Torture Memos" Turn 10: Demand Accountability

Annette Warren Dickerson, CCR alerts@ccrjustice.org via uark.edu

August 1, 2012  to jbennet

Watch former president Bush admit he authorized torture & listen to Murat Kurnaz, a man previously imprisoned at Guantánamo, join CCR attorney Katherine Gallagher to discuss why accountability for torture is critical. http://www.ccrjustice.org/get-involved/action/demand-accountability-u.s.-torture

Dear CCR supporter,

Today marks ten years since Bush administration lawyers drafted the infamous “torture memos” that both enabled the torture of individuals held in U.S. detention and provided legal cover for U.S. officials who participated in torture.
It has been well-documented that in the years following the September 11, 2001 attacks, high-level U.S. officials committed, ordered, directed, authorized, condoned, planned and otherwise aided and abetted, or failed to prevent or punish, serious violations of international law, including torture. The torture memos played a critical role in the U.S. torture program. To date, no senior government official has been held accountable for torture, and there is no pending criminal investigation into torture committed by U.S. officials. In fact the Obama administration has made clear that neither the authors of the Bush Administration’s “torture memos,” nor those who relied on these memos, will be subject to investigation. Nor has there been accountability for the destruction of at least 92 interrogation videotapes containing evidence of torture, including the torture of detained men who are still in Guantánamo.

The Bush administration tortured, but it is the Obama administration that is creating a legacy of impunity for this torture. President Obama is compounding this grim legacy by continuing indefinite detention without charge or trial at Guantánamo—a practice that a recent Physicians for Human Rights report makes clear is itself a form of torture.  
http://www.ccrjustice.org/get-involved/action/demand-accountability-u.s.-torture

Contact Attorney General Eric Holder and demand that the U.S. Department of Justice hold U.S. officials accountable for torture and other serious violations of international law at Guantánamo and other U.S. detention sites. http://www.justice.gov/contact-us.html The Attorney General should appoint an independent prosecutor with a full mandate to investigate and prosecute those responsible for torture and other war crimes, as far up the chain of command as the facts may lead.

Support CCR’s work to hold U.S. officials accountable for torture and war crimes by learning more about it and sharing with others. Learn more about CCR’s Bush Torture Indictment by visiting our case page.  
http://www.ccrjustice.org/case-against-rumsfeld

Also learn about our efforts in Germany, France and Spain to hold U.S. officials, including the lawyers who drafted the torture memos, accountable for torture around the world by visiting CCR’s page on accountability.  http://www.ccrjustice.org/case-against-rumsfeld

The U.S. government has so far failed to comply with its obligations to investigate and prosecute torture, but together we can ensure torturers are held accountable.

Thank you for your continued support.

Sincerely,

Annette Warren Dickerson

Director of Education and Outreach
WITH THE ELECTION OF

President Barack Obama, the
problem of torture has not, as
many had once hoped, simply disappeared,
wiped away by new executive
orders. Instead, Obama has now extended
the impunity that began under the
Administration of George W. Bush. To
achieve impunity for the crime of torture
in any society, particularly in a nation of
laws like America, is a challenging, complex
process that nonetheless follows some
rather similar steps in disparate countries
worldwide.
The first step to impunity is to blame the bad apples. For a year after the Abu Ghraib exposé, Defense Secretary Donald Rumsfeld insisted this abuse was “perpetrated by a small number of U.S. military.” Explaining his refusal to release more of the Abu Ghraib photos in May 2009, President Obama paraphrased Rumsfeld, saying the abuse “was carried out in the past by a small number of individuals.”

The next step to impunity is to invoke national security. In 2006, Vice President Cheney led Republican partisans in laying the legal foundations for future impunity by pushing the Military Commissions Law that legalized the CIA’s “enhanced interrogation” and granted its interrogators immunity all the way back to 1997. Significantly, this is the date of the Revised U.S. War Crimes Act, which made torture a major felony. In the months following Obama’s inauguration, Cheney continued to make this case for impunity, arguing the CIA’s harsh methods “prevented the violent deaths of thousands, perhaps hundreds of thousands, of people”—a
claim that the Obama Administration has not successfully rebutted.

The third step to impunity is to appeal for national unity. During a visit to CIA headquarters in April 2009, President Obama promised Agency employees there would be no widespread prosecutions. “We’ve made some mistakes,” but it’s time, he said, to “acknowledge them and then move forward.” Attorney General Eric Holder followed up by refusing to investigate Bush, Cheney, and Rumsfeld for war crimes or anyone else for waterboarding. Then, on August 30 of this year, Holder dropped the only two cases he had bothered to investigate. One of the cases concerned a CIA victim who was killed in 2002 “after being shackled to a concrete wall in near-freezing temperatures at a secret CIA prison in Afghanistan known as the Salt Pit,” according to The New York Times. The other was killed in Abu Ghraib in 2003 and his body was “packed in ice and wrapped in plastic,” the Times
noted. The head of the House Intelligence Committee, Representative Mike Rogers, praised Holder’s decision. “These intelligence officers can now continue to focus on the hard work at hand, protecting our national security,” he said.

The penultimate step to impunity is political counterattack. During Obama’s first two years in office, Cheney and his daughter Liz made dozens of television appearances accusing his Administration of weakening America’s security by investigating CIA interrogators who had used “enhanced techniques.”

Ironically, Obama’s successful assassination of Osama bin Laden in May 2011 provided an opening for the right to complete this step. Creating an a cappella media chorus, former Bush officials appeared on television to claim, without any factual basis, that torture had somehow led the Navy SEALs to bin Laden.

The final step toward full impunity is to rewrite the past. Starting on
the tenth anniversary of 9/11 and continuing to the present, top proponents of the CIA’s enhanced interrogation have published memoirs justifying their recourse to torture. Cheney claimed the CIA’s use of “enhanced interrogation techniques” on Abu Zubaydah had turned this hardened terrorist into a “fount of information” and saved “thousands of lives.” But just two weeks later, a former FBI counterterror agent named Ali Soufan published his own memoirs, stating he was the one who interrogated Zubaydah and did so with noncoercive techniques that quickly gained “important actionable intelligence.” If we juxtapose these dueling memoirs, the interrogation of Zubaydah becomes a scientific experiment, testing, through four successive rounds, the relative effectiveness of the CIA’s coercive methods versus the FBI’s empathetic techniques. As soon as Zubaydah was captured in Pakistan back in 2002, Soufan flew
to Bangkok where he used empathetic questioning in Arabic to gain the first information about “the role of KSM [Khalid Sheikh Mohammed] as the mastermind of the 9/11 attacks,” he wrote. Angered by the FBI’s success, CIA director George Tenet dispatched his own team from Washington, led by James Mitchell, a psychologist who developed the Agency’s harsh “enhanced techniques.” After stripping Zubaydah of his clothes and subjecting him to “low-level sleep deprivation,” Mitchell’s CIA team got “no information,” Soufan said.

So, for a second time, the FBI men resumed their empathetic approach,

**The final step toward full impunity is to rewrite the past.**

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questioning Zubaydah quietly to learn “the details of Jose Padilla, the so-called ‘dirty bomber.’” Then the CIA team took over once more and moved “further along the force continuum, introducing loud noise and
then temperature manipulation,” as well as forty-eight hours of sleep deprivation, according to Soufan. But the CIA’s tough approach “wasn’t working and Zubaydah wasn’t revealing any information.”

So, for a third time, the FBI men were brought back. To soften the coercive climate, Soufan gave Zubaydah his clothes, “switched off the music, and let him sleep,” Soufan said. After days of harsh CIA interrogation, the FBI agent “found it harder to reengage him this time because of how the [tough] techniques had affected him, but eventually, we succeeded, and he reengaged again,” giving more details of the Padilla bomb plot.

When the CIA escalated to “the next stage in the force continuum” by squeezing Zubaydah into “a confinement box,” Soufan felt this was “borderline torture” and quit the interrogation.

By the time Soufan flew back to New York, the FBI’s empathetic methods had coaxed out all the valuable intelligence that Zubaydah had
to offer.

The results of this scientific test were blindingly clear: FBI empathy was consistently effective, while CIA coercion proved counterproductive. If anyone is still wondering whether torture is the best way to get accurate intelligence, then the answer should be, after this extraordinary experiment, absolutely, definitively no.

But this fundamental yet fragile truth has been obscured by CIA censorship and neoconservative casuistry. Cheney’s secondhand account completely omits the FBI presence, ignores the clear comparison between the two methods, and inaccurately attributes all the information gained from Zubaydah to the CIA’s “enhanced techniques.” Moreover, the CIA itself had demanded 181 pages of excisions from Soufan’s memoirs that reduced his chapters describing this interrogation to a maze of blackened lines that no regular reader can understand.

The Agency’s attempt to rewrite the
past has persisted right to the present.

Just last April, Jose A. Rodríguez, former
chief of CIA’s clandestine services
who supervised Zubaydah’s torture
from Washington, published his
memoirs under the provocative title
*Hard Measures: How Aggressive CIA
Actions after 9/11 Saved American
Lives.* In an interview on *60 Minutes,*
he called FBI claims of success with
noncoercive methods “bullshit.” After
the Agency got “everybody in government
to put their big boy pants on
and provide the authorities that we
needed,” the CIA’s harsh enhanced
interrogation, he claimed, extracted
vital intelligence. There has been no
indication that his laudatory account
has been subject to a single page of
CIA censorship.

With the past now rewritten to
vindicate the CIA’s “enhanced interrogation,”
the process of impunity in
America was seemingly perfected.

But in an age of globalization and
universal jurisdiction for human rights
violations, even the most perfect
impunity within a nation’s borders has become imperfect. In May 2009, an Italian court issued an unprecedented conviction of twenty-two CIA agents and a U.S. Air Force colonel for the 2003 kidnapping of an Egyptian exile, Abu Omar, and his illegal rendition to Cairo for brutal tortures. One by one, similar European investigations have uncovered the location of the CIA’s secret prisons in Lithuania, Romania, and, most recently, Poland, resulting in the indictment of that country’s former security chief for aiding the Agency in opening a black site. This was an exemplary prosecution that will discourage future cooperation with U.S. renditions. And in February of last year, former President George W. Bush canceled a trip to Switzerland after hearing that human rights groups were planning to present evidence of his orders for torture, much of it drawn from his own memoirs.
Today, the Obama Administration says it has closed the CIA black sites. Meanwhile, however, it has covertly outsourced the abuse to allied governments. Indeed, according to reporter Jeremy Scahill, the CIA still runs a secret prison in Somalia for detainees snatched from cities and slums across East Africa. And the Pentagon continues to insist on holding prisoners at Bagram Air Base, despite the Obama Administration’s agreement with the Karzai government to hand over all the Afghan prisoners. Lest we forget, the prison in Guantánamo remains open, though Obama promised he would close it on day one in office. In the critical field of human rights, Obama has not restored America’s credibility abroad. He has, instead, perfected a policy of impunity for torture, thereby confronting this country with a fateful contradiction.
America cannot long serve as world leader while simultaneously defying one of the international community’s strongest moral sanctions against the crime of torture.

**Outside our borders, impunity ends.**

**Violators beware.**

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“*For Real: Torture America Style*” by Peter C. Baker


*July 24, 2012 | This article appeared in the August 13-20, 2012 edition of The Nation.*
On October 7, 2003, the American Civil Liberties Union filed a Freedom of Information Act request for all documents related to post-9/11 detention and interrogation practices. The request was filed simultaneously with the Defense Department, the State Department, the Justice Department and the Central Intelligence Agency. By the following May, no response had been issued, so the ACLU filed a second request, and in June took the government to court in hopes of forcing it to comply. Three months later the ACLU prevailed, and by the end of 2004 the documents were beginning to flow. Since then, well over 130,000 pages have been released and posted to a searchable database on the ACLU website.

The database contains, of course, the now infamous “torture memos”: the arguments, crafted by George W. Bush’s closest legal advisers, that waterboarding and the like were neither torturous nor illegal—and that such considerations didn’t apply to US presidents (or indeed anyone else in government, so long as the infliction of pain was not provably his or her “specific intent”). But these were only a small handful of documents among thousands: interrogation and torture logs, prison administration memos, courtroom transcripts and minutes from policy meetings. Several such documents known to exist have still not been released: in regard to one, the government has argued that not only is its existence classified but so too is the font in which it may or may not be written. Other records have been destroyed, including at least ninety-two videos of CIA interrogations. Of the material that has been released, much has been significantly redacted.

Despite these gaps (and in part because of them), this vast forest of paper comprises a sprawling, fragmented alternative literature on post-9/11 torture—one that lacks the coherence and pacing of many useful books on the subject, but which is not without other values. To spend an afternoon clicking through the ACLU database is to make some acquaintance, in a way that only primary documents allow, with the fact that behind every US act of torture is a massive, globe-spanning and poorly organized bureaucracy. Like all bureaucracies, it has a language peculiarly its own, shot through with jargon, euphemism and empire whispering to itself in memo form.
In 2009 the ACLU hired Larry Siems, a poet and PEN American Center program director, to head a website called The Torture Report. His charge was to write about post-9/11 prisoner abuse, relying as exclusively as possible on the primary documents. Siems posted sections of the report as he finished them, and they received running commentary from a set group of people with relevant expertise, including lawyers, civil rights bloggers and a former military interrogator. There were links to all documents referenced. The site went live in September 2009, and Siems posted his final installment in March 2011. Now the full report has been released as a book, with the commenters’ suggestions and insights incorporated into the text.

For much of The Torture Report, Siems focuses on a few particularly well-documented and egregious cases. By his own admission, he barely touches on large swatches of the post-9/11 torture project; there could easily be another fifty volumes of The Torture Report. Thankfully, he is also willing to roam freely through the document wilderness, straying far from his central cases in search of context or common themes, and quoting liberally along the way. The result is a compromise between the tidiness of most narrative reportage and the chaos of the primary texts: a story shaped by Siems, but very much co-narrated by his subjects.

* * *

Lingering with the documents as Siems does—offering a play-by-play of the abuse—is a grim antidote of sorts for the simplifications that have run rampant through the torture discourse of the past decade. The first such simplification was that any instance of torture by US forces was entirely the independent, extracurricular initiative of “bad apples” (“a perverse, kinky group,” per The Weekly Standard) on “the night shift”—a phrase that was repeated ad nauseam as if it meant anything, as if it was somehow obvious that what happens after sundown doesn’t really count. The “bad apples” line has been thoroughly debunked and seems to have fallen out of circulation, only to be replaced by a more accurate but equally thin cliché: that the torture went “straight to the top” of the government. Much less disclosed or understood is the exact nature of the channels running between “the top” and the interrogation chamber.
Often they were quite direct. Describing the early torture of Abu Zubaydah, a Saudi citizen, in a CIA prison in Thailand, Siems notes that every move his interrogators made was cleared in advance by a cable from Langley. As one of them later described it, “Before you laid a hand on him, you had to send in the cable saying, ‘He’s uncooperative. Request permission to do X.’ And that permission would come.” Whenever authorization was sought for more obviously torturous techniques, CIA director George Tenet would bring the request to a meeting in the White House Situation Room with his fellow National Security Council “principals,” a group that included Condoleezza Rice, Donald Rumsfeld, Colin Powell and John Ashcroft.

But as deceitful (and unsavory) as it was for the Bush administration to pin detainee abuse on a few “deviant” individuals, it is equally inaccurate to assert that every incident of torture was directly ordered or stage-managed from above, or that every technique involved had been cleared in advance by a memo from on high. Needless to say, some were. Yet again and again, the documents describe the process of new guidelines being drafted, debated, edited and circulated, spelling out exactly which torture techniques were now “legal”—only for interrogators to subsequently unleash a procedure not listed, or even one explicitly banned.

Then, too, the language in which the limits were set often betrayed their meaninglessness. “Approval of the use of all Category II techniques and one Category III technique…is hereby rescinded,” Rumsfeld wrote in a 2003 memo, responding to pressure from Alberto Mora, the Navy’s anti-torture general counsel. But: “Should you determine that particular techniques in either of these categories are warranted in an individual case, you should forward that request to me.” Later that year, Rumsfeld wrote another memo authorizing a new list of twenty-four techniques. It ended: “If, in your view, you require additional interrogation techniques for a particular detainee, you should provide me…a written request.” Predictably, more requests would come. Perhaps equally predictably, individual interrogators would continue improvising on the spot, as they had been from the start. In Siems’s report, torture is obviously not just a matter of a few bad apples, but equally obviously not just evil at the top. It is something else—something for which no ready phrase exists.

This is oddly apt: failures of understanding are part and parcel of institutionalized torture, which seems to require a systemic aversion to detail, especially the details of other people’s experiences. The most publicly visible manifestation of this aversion
was the replacement of “torture”—in both the legal memos and the pages of the nation’s leading newspapers—with terms like “enhanced interrogation.” This same preference for detached vagueness pervades The Torture Report. “Cramped confinement involves the placement of the individual in a confined space,” the administration lawyer John Yoo wrote in a 2002 memo. “The confined space is usually dark.” Depending on the size of the space, “the individual can stand up or sit down.”

Abu Zubaydah’s descriptions of his “cramped confinement,” which Siems quotes, dwell on several aspects that Yoo passes over: how a cloth was draped over his confinement box to restrict his air supply; how the box was so small he could neither sit nor stand but instead had to crouch, which caused a wound in his leg to rupture; how he was given a bucket to use as a toilet, and how it tipped over and spilled while he remained inside for hours; how he lost all sense of time. It is unclear whether Yoo left such details out intentionally, or whether they simply never occurred to him. Similarly, it’s hard to know what to make of a note written by Donald Rumsfeld in ink at the bottom of a 2002 memo on detainee treatment that, among other things, set limits on forced standing. “I stand for 8-10 hours a day,” he wrote. “Why is standing limited to 4 hours?”

When the NSC principals met to consider authorizing “new” techniques, they did not seek out testimony from people—US citizens or otherwise—on whom they’d been inflicted in the past. Nor did they solicit advice from those who study the effects of such techniques on the body and mind. Instead, CIA agents would visit the principals in the Situation Room and describe what they wanted done. Sometimes they even put on demonstrations. Whatever these demonstrations showed, they surely did not include blood, urine, feces, dogs, nudity or the presence of anything resembling the total domination of one person by another, and the obliteration of his free will by fear.

In all likelihood, the CIA officers at those meetings were drawing on training sessions they’d received at the Air Force Survival, Evasion, Resistance and Escape school. SERE courses attempt, among other things, to prepare US soldiers, agents and private contractors for possible torture if captured abroad. But the differences between SERE simulations—even those in which students are, for example, waterboarded—and life in a US torture dungeon are many and crucial. SERE students have safe words. SERE students know, somewhere in their minds, that it’s just training, which will end at some
point. If a SERE student is waterboarded, he is first made to do jumping jacks, which increase his heart rate, making it easier for him to hold his breath. (An insightful CIA report noted the difference between the waterboarding on SERE’s curriculum and the CIA’s waterboarding in the field as follows: “the Agency’s technique is different because it is ‘for real.’”) The mental health of SERE students and instructors is closely monitored by psychologists. In the most critical respects, SERE courses are more similar to weekend camping than to a secret US prison. When the CIA demonstrators went before the principals, then, they were likely presenting a highly condensed and bowdlerized re-enactment not of torture but of a torture simulation, creating a spectacle charged with torture’s frisson of power—the principals were, after all, deciding the intimate fate of real people—but stripped clean of every other defining detail. 

In The Torture Report, the players seem interested in precision only when it comes to distancing themselves from acts they knew to be vile. Time and again, the record shows Americans fixated on what might be called “bureaucratic truth”—on claims and distinctions that are meaningful primarily within a bureaucracy, but much less so outside it. For example, since early 2009 the FBI has repeatedly objected to the CIA’s preference for ineffective torture-based interrogation, especially as compared with its own, rapport-oriented techniques—and rightly so. But watch that concern in action, as described by Ali Soufan, an FBI agent who sparred with the CIA about the best way to handle Abu Zubaydah:

The Torture Report
What the Documents Say About America’s Post-9/11 Torture Program.
By Larry Siems.
Buy this book.

About the Author

Peter C. Baker
Peter C. Baker lives in Chicago and Wilmington, North Carolina.
Gitmo in the present millennium is no departure at all from the American tradition in Guantánamo Bay.

Peter C. Baker
The High Wire (Fiction)

In the stories of Deborah Eisenberg, life keeps piling up, unsolved and unsolvable.

Peter C. Baker
2 comments

I protested to my superiors in the FBI and refused to be a part of what was happening. The Director of the FBI, a man I deeply respect, agreed, passing the message that “we don’t do that,” and I was pulled out.…

The “we” invoked here is not the United States, but rather a single division of its enormous government. It’s a near constant refrain: torture is proceeding, and some group of interrogators—from the FBI, from the Defense Department—is ordered by their superiors to “stand well clear.” Meanwhile, another division proceeds, or farms out the dirty work to foreigners, and the torture still happens. What does it matter—to, say, a detainee in the middle of a waterboarding—whether it’s one agency or another doing the torturing?

This sort of hair-splitting goes straight to the top: during a principals’ meeting in 2002, Attorney General John Ashcroft is reported to have wondered, with some consternation, “Why are we talking about this in the White House?” He didn’t wonder, “Why is this being talked about?” (and certainly not “Why is this being done?”). Instead: not in this room. David Addington, Cheney’s legal counsel, echoed this sentiment during a discussion about destroying interrogation videos. As one participant put it, his response boiled down to “Don’t bring this
into the White House.”

Once or twice, The Torture Report itself unwittingly parrots this mode of thinking, in annotations made by Matthew Alexander, the pseudonym of a former Air Force interrogator who is a prominent critic of torture. Pondering the use of techniques widely known to be useless for gathering intelligence, he asks: “If our men and women in uniform were able to accomplish their missions without the use of enhanced interrogation techniques through the World Wars, Korea, Vietnam, and up to 9/11, what changed?” Leaving aside the question of exactly what mission was accomplished in Vietnam, Alexander seems unaware of (or uninterested in) Project Phoenix, a torture and execution program designed and operated by the CIA during that war. Tens of thousands were tortured, and at least 25,000 people were tortured and then murdered (“pump and dump,” it was called)—some by CIA agents (Americans, just not “in uniform”), most by CIA-trained Vietnamese acting on CIA instructions. The latter was preferable, at least from a bureaucratic standpoint. As William Colby, Phoenix’s founder, put it: ideally, “not only were Americans not to participate…but they were to make their objections known.”

America commits torture, funds torture research and encourages torture around the world. It is easy to point the finger at one particularly dark corner or another, be it the CIA or the derelict grunts on the night shift. These documents suggest that a bigger problem might be the sheer number of dark corners: American force abroad is wielded and managed by so many overlapping but distinct organizations that it creates plenty of useful ambiguity as to how, exactly, the overlap is meant to work. There’s a clear sense, especially in memos related to the early days of Guantánamo, of all these various people—Army, Navy, Air Force, CIA, FBI—wandering the cell-block halls, unsure of who is doing what, when and to whom. In the
absence of a plan, everyone takes turns dealing with the detainees as he or she sees fit. The guards watch, picking up ideas from the pros for later. One could call the disarray a design flaw, but that would involve assuming that torture wasn’t part of the plan. Given that we know it was, all the confusion seems to have helped; CIA agents reveled in exploiting it, often identifying themselves as FBI agents to avoid having their presence exposed or accurately documented. Defense Department agents pulled a similar move, more than once impersonating State Department officials during torture sessions.

* * *

In 2004, after CBS broadcast the first photographs of detainee abuse at Abu Ghraib, many writers—most prominently Luc Sante, Susan Sontag and the historian Hazel Carby—noted their striking similarity to the photographs of lynchings of African-Americans taken from the end of the Civil War through the middle of the twentieth century. As Carby in particular observed, both sets of images, along with the acts they referenced, were attempts by Americans with power to calm their anxieties about the uncertain future through ritualized spectacles of domination, typically erotically charged, and always enacted on nonwhite bodies.

Had the documents used in the composition of The Torture Report been available at the time, they might have played a useful supporting role in this argument. I say this not only because of all the forced nudity, sexual humiliation and threats of rape in the documents but also because of how often the interrogators admit, implicitly or otherwise, that they’re not primarily interested in gathering information. (Indeed, one fascinating CIA memo explains the distinction between an “interrogator” and a “debriefer” as follows: “A debriefer engages a detainee solely through question and answer. An interrogator is a person who completes a
two-week interrogations training program, which is designed to train, qualify, and certify a person to administer [enhanced interrogation techniques].” Put more simply, in the CIA’s lexicon, “to interrogate” means “to torture.”

At the beginning of Abu Zubaydah’s detention, his treatment was overseen by an FBI team that used rapport-building techniques only. George Tenet was impressed with the briefings they produced—until he found out they’d come from FBI agents. A CIA team was immediately dispatched to take over. Never mind that Tenet had already judged the intelligence good; torture came first. Some prisoners came to understand this. During one of his interrogations at Guantánamo’s Camp X-Ray, Mohammed al-Qahtani asked his questioner, “Sergeant A,” whether she truly wanted answers to her questions. The log reads bluntly: “SGT A states she doesn’t need an answer.” An earlier memo, proposing new tools for use on Qahtani, suggested that “if necessary the detainee may have his mouth taped shut in order to keep him from talking.”

Lynchings were highly public spectacles, attended by families bearing picnic lunches; the photographs people took were widely and proudly circulated, at least in the South, where they were commonly made into postcards. On this front, contemporary US torture and its associated documents seem at first different. Much of the visual evidence has been destroyed. The documents were classified and released only over strong government objections, and even then with key pieces withheld. The men and women who took the Abu Ghraib photos took them only for their co-workers and family members. In 2009 the Obama administration successfully blocked the court-ordered release of a cache of previously unseen photos documenting prisoner abuse in Iraq and Afghanistan, and since then FOIA requests have been made more difficult and less powerful.
Is torture simply less popular now than lynching was then? It seems more likely that one set of rituals—those involving violent subjugation—has become closely interwoven with another set: those designed to communicate a reassurance that every action of the US government is necessary, legal and, most of all, carefully thought out by well-intentioned officials. The spectacle of lynching, and the photos documenting that spectacle, served as a boast and a warning: look what we can do—and will. With post-9/11 detainee abuse, the exact same message is being communicated, only so too is its negation: look what we disown, what only the bad apples among us desire, and for which we will duly jail them. Endless memos dissecting torture techniques and parsing existing laws out of existence are a key part of this ritual: they insist that nothing terrible is happening. In a 2002 meeting, a military lawyer was surprisingly honest: “We will need documentation to protect us.” A CIA lawyer chimes in his agreement: “Everything must be approved and documented.”

A Human Rights Court Gives Torture the Green Light

Jeanne Theoharis and Saskia Sassen

September 26, 2012 | This article appeared in the October 15, 2012 edition of The Nation.

On September 24, the European Court of Human Rights (ECHR) bowed to pressure from the US and British governments and turned a blind eye to the torturous conditions at the federal Supermax prison, ADX (short for Administrative Maximum), in Florence, Colorado, where prisoners languish in long-term solitary confinement. Dealing a blow to human rights on both sides of the Atlantic, the court rejected an appeal by five terror suspects held in Britain to block their extradition to the United States. The filing in Babar Ahmad and Others v. UK argued that if the defendants are convicted, the conditions of their confinement at ADX would violate their human rights.
While the prison at Guantánamo Bay has long attracted global condemnation, the United States has been more successful in shrouding domestic facilities like ADX from public view. The European Court allowed itself to be misled—accepting facts and figures roundly disputed by human rights advocates and researchers and ignoring an intervention submitted by the UN special rapporteur on torture.

Opened in 1994 and described by a former warden as a “clean version of hell,” ADX was originally conceived by the Bureau of Prisons as a “behavior management” facility. Prisoners “earned their way in” through bad or dangerous behavior at other prisons (and could conceivably earn their way out). But after 9/11, BOP made any link to “terrorist activities” grounds for incarceration at ADX. And so with the proliferation of these “material support” prosecutions, the prison that holds Ted Kaczynski, Terry Nichols and Robert Hanssen has also become a prison that disproportionately holds Muslim prisoners (even those convicted on charges involving no specific plots, such as Fahad Hashmi, Dritan Duka, Oussama Kassir and Seifullah Chapman).

The most restrictive prison in the federal system, ADX was built to keep every prisoner in solitary confinement and designed to limit all communication among prisoners. Cells are the size of a small bathroom with thick concrete walls and steel doors. A prisoner must eat, sleep, shower, read, pray and use the toilet in the cell. For one hour a day, prisoners may exercise in an outdoor cage too small to run in or in a windowless indoor cell, empty except for a pull-up bar. The outdoor “recreation” cages are known as “dog runs” because they resemble kennels. The only “contact” ADX prisoners have with other inmates is shouting to each other through toilets, vents or the outdoor cages. They receive food through a slot and eat every meal alone within arm’s length of their toilet. Psychiatric care at ADX often consists of shouting to
prisoners through their doors to inquire if they’re “OK.”

The isolation at ADX is even more severe for prisoners placed under Special Administrative Measures (SAMs), issued by the attorney general when “there is substantial risk that a prisoner’s communications…could result in death or serious bodily injury.” No further justification is required. Disproportionately used on terror suspects—and likely to be used on Ahmad et al.—SAMs typically prohibit communication with anyone except attorneys or immediate family. Letters to and from family can take up to six months to be cleared by the government; no other nonlegal correspondence is allowed. Lawyers and family members risk prosecution if they publicly disclose any detail from conversations with a prisoner—thereby shielding any ill treatment from view or sanction. Conditions for SAM prisoners at ADX have prompted hunger strikes and forced feeding, but the public hasn’t learned about them because of this wall of secrecy. Portions of declarations from SAM prisoners describing their treatment have been put under seal by the court at the government’s request.

Beginning in 2007, the ECHR stayed the extraditions of Babar Ahmad and his co-defendants to consider whether such transfers might breach the European Convention on Human Rights, which prohibits torture and inhumane or degrading treatment or punishment. The court made a series of requests for information about ADX—requests the United States initially refused to accommodate, citing logistical and national security reasons.

After numerous extensions, on October 24, 2011, the Obama administration finally submitted a report based on a “random sample” of just thirty prisoners. (The facility holds 490 men.) The United States touted the modern conditions at ADX, noting that prisoners get TV and “outdoor recreation,” and arguing that, in fact, conditions there do not constitute solitary confinement since prisoners can talk to guards and shout to each other through the walls. Using its cherry-
picked sample, the government claimed that prisoners spend an average of 3.2 years in solitary at ADX and refused to provide any information on the Special Security Unit, where SAM prisoners are held. A larger sample of 110 ADX prisoners, from legal research conducted in 2010 and 2011 for a capital case, found an average of 8.2 years. This and other rebuttal evidence from the defense—including a submission by UN Special Rapporteur on Torture Juan Mendez—was rejected by the court on technical grounds.

ECHR judges were likely influenced by a visit to Washington on March 1, when five current and former members attended a closed-door conference—“Judicial Process and the Protection of Rights”—with Supreme Court Justices Stephen Breyer, Samuel Alito, Anthony Kennedy and Sonia Sotomayor, as well as State Department legal adviser Harold Koh and Derek Walton, Britain’s lead lawyer in *Ahmad*. A month later, the ECHR ruled that the extradition could proceed.

* * *

The five defendants filed an appeal in July. More than 150 scholars (including Bruce Ackerman, K. Anthony Appiah, Judith Butler and Gayatri Spivak) and twenty-six human rights groups (including the ACLU, the Center for Constitutional Rights and Human Rights First) wrote to the ECHR asking it to take the appeal. Their letter argued that the information provided by the Obama administration was “insufficient and misleading” and failed “to account honestly for the brutal conditions of confinement and isolation at ADX Florence that regularly contribute to acute and long-term psychological damage to prisoners housed there.” They further stressed that the decision would have “serious implications…for legitimizing the use of conditions of confinement that violate human rights.”
In rejecting the appeal, the ECHR ignored these entreaties, along with voluminous defense submissions on the practice of solitary confinement in the United States and the inhumane treatment Muslim prisoners encounter—not just at federal prisons but in pretrial facilities like the Metropolitan Correctional Center in New York. Conditions there have been described as worse than at ADX; suspects are often held for years in pretrial solitary confinement, degrading their ability to participate in their own defense. SAM detainees exercise alone in an indoor cage. News from outside is sharply restricted. The facility is dirty and prisoners have said it is so cold in the winter they cannot concentrate. Prisoners placed under SAMs have a camera on them at all times, including when they shower and use the toilet. Some have been punished for attempting to speak through the walls; one man was punished for using the Muslim greeting “Asalaam Aleikum.”

When other countries’ treatment of prisoners falls out of step with international standards, the world community (at times prompted by the United States) steps in to censure them. In January, the ECHR refused to extradite alleged Al Qaeda affiliate Abu Qatada to Jordan on the grounds that the legal system there countenances torture. But when the United States tortures prisoners with years of solitary confinement, it gets away with it—with a stamp of approval from a court designed to protect human rights.

In “New York’s Black Sites” (July 30-August 6), Jean Casella and James Ridgeway reported that that a "blue" state leads the nation in the use of “disciplinary segregation”—or as prisoners call it: torture. The “Guantánamos Here at Home” were exposed by Sally Eberhardt
and Jeanne Theoharis in the February 11, 2011, issue—a story that, unfortunately, remains timely.

Jeanne Theoharis and Saskia Sassen

September 26, 2012 | This article appeared in the October 15, 2012 edition of The Nation.

[With the title “A Green Light for Torture” and with an additional intro. paragraph.]

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Jeanne Theoharis

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"The Persecution of John Kiriakou: Torture and the Myth of Never Again"

By Peter Van Buren, TomDispatch.com, posted September 11

Torture and the Forever War

*Mark Danner*, MIT, 2011.

Describing the unfolding torture of Guantanamo detainee Abu Zabaydah, Mark Danner paints a vivid portrait with unsettling bodily and material details. But this portrait is not presented simply for us to condemn; it serves to crystallize a larger political condition.

Sometime on or about September 11, 2001, Danner argues, our political condition changed. The events of Zabaydah’s torture were the consequence of a set of political choices that created what Danner calls the style of the exception. That style coalesces around distinctive features that have become familiar in our post-9/11 world and have not changed in the transition to a new administration: a declaration of an unending war against an enemy positioned outside the bounds of all legality; a war guided by a legally unbounded executive, who controls the public release of information and uses partisan domestic politics as a continuation of the war by other means, in an improvisational style, and without guidance from history or legal constraints.

But in describing this new condition, placing blame is not Danner’s most pressing concern. Those who created the style of the exception, he argues, surely knew that a moment of judgment would come. Could it be that they thought we would affirm the rightness of their choices, and that
in identical circumstances we would have done the same thing?

Danner invites us to consider how, if we reject those choices now, we might extricate ourselves from the style of the exception.

Scholars Elaine Scarry, Eric Posner, Stephen Holmes, and Colonel Steven Kleinman, Senior Intelligence Officer U.S. Air Force, respond to Danner’s conclusions and explore the implications.

**About the Author**

Mark Danner is an award-winning journalist and Professor of Journalism at the University of California, Berkeley, who has written for more than two decades on foreign affairs and international conflict. He is the author of *Stripping Bare the Body, The Secret Way to War: The Downing Street Memo and the Iraq War’s Buried History*, and other books.

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Torture in California Prisons

War, Torture, Execution: Displays of Sovereign Power

END TORTURE NEWSLETTER #7

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