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Thesis Paper
Jeffrey Sawyer

Torture and its Consequences in American History

The popularity of the TV show “24,” since it first aired in November of 2001 and lack of public indignation after the Abu Ghraib prison scandal clearly demonstrate a change in the American psyche regarding torture. It used to be incompatible with America’s values to engage in such immoral acts. If Americans were really upset and infuriated by the pictures seen after Abu Ghraib, they would have done more than offer a simple protest and call for those responsible to come to justice, especially after former Defense Secretary James Schlesinger claimed that, "We believe that there is institutional and personal responsibility right up the chain of command as far as Washington is concerned."¹ If Americans still were a people who loved freedom and human rights, “24” would not be nearly as popular as it is. Jack Bauer, the show’s main character will torture just about anyone. Sometimes he shoots them in their kneecaps, and sometimes he shocks them. A favorite is breaking fingers, one by one. A few seasons ago, Bauer had a subject of interrogation watch on a live television feed as another U.S. agent threatened to shoot the subject's child in the head (and did, although it turned out to be faked). There's always a compelling reason for Bauer's brutality, of course: a nuclear bomb ticking away, ready to kill millions; a deadly canister of an unstoppable virus about to be opened; the President on the verge of assassination; World War Three just seconds from starting. And that's good enough for America. "24" has increased its ratings nearly every season, and is now consistently ranked in the top ten most viewed programs.²

¹ Philip Carter, “A Few Bad Apples?” *The Washington Post*, May 24, 2008.

² “The Real Abu Ghraib Whitewash: “24” and Public Acceptance of Torture,” May 5, 2005. <http://www.ethicsscoreboard.com/list/24.html> Accessed May 17, 2008.

If the American public was repulsed by torture, “24” would not be so popular. Jack Bauer tortures people, constantly, and if torture is wrong, then Jack Bauer is a bad person. Americans see themselves as the good people in the world, not bad people who torture others. If Americans did not like torture, they would not like Jack Bauer, and would not watch the show. The fact that ratings are always high shows a shift in American feeling towards torture in a post-9/11 world.

The purpose of this paper is to explore American history in torture. America has a long past being involved in torture, dating back to the beginning of the Cold War. Throughout this paper I aim to explain how the CIA propagated torture from the Vietnam War to the War on Terror, and how they avoided public scrutiny and official oversight. I will also explain why torturing prisoners has little to no value in interrogations. America should not have used torture, as most experts and scholars believe that regular questioning brings more accurate information. In this paper I hope to effectively argue that the use of torture in past conflicts is unethical, yields useless information and is incompatible with America’s principles while explaining why so many Americans accepted the practice after 9/11.

Torture was used by the CIA and debated by different groups in the United States for at least the past half-century. The practice continued in America’s War on Terror. Thousands of men were detained by the U.S throughout the war and were not afforded basic rights granted under international law. Along with the denial of rights, many of these men claimed to be viciously abused and/or tortured. Torturing and abusing prisoners detained in the War on Terror was made possible by actions taken by the executive branch of the U.S. government and by precedents that set in the past.

Human rights groups and the majority of scholars worldwide agree that torture, extreme pain, or acts of humiliation should never be used in the interrogation of a prisoner. After the

terrorist attacks of September 11, 2001 the United States government walked a fine line when it came to the issue of torture and overall mistreatment of prisoners. Men taken prisoner in Afghanistan, Pakistan and Iraq were detained (kidnapped in some cases) and stripped of their rights as human beings. Much proof exists to their mistreatment. One of the more infamous examples being the Abu Ghraib prison in Iraq. The well-known photos that were released showed the abominable methods of treatment that were applied to the prisoners. The photos sent uproar throughout the Islamic world. Senior Officials in the U.S. government condemned the actions of the prison guards immediately, but there is evidence that shows that they knew what was going on the whole time.

The consensus among most legal experts, professors and even ex-military personnel is that not only does torture go against everything decent in humanity, but that it more often than not provides forced (and inaccurate) confessions and false information. Several authors suggest that using “enhanced interrogation methods” does more to deter US security than provide it.

An academic perspective on the subject is offered by Jennifer K. Harbury, a Harvard educated lawyer and human rights activist. Her book is titled *Truth, Torture, and the American Way: The History and Consequences of U.S. Involvement in Torture*. Harbury begins by making the case that the U.S. has been involved with torture since the Vietnam War and that what the current administration is consistent with former policies. She uses interviews from numerous people in Latin America (Guatemala, El Salvador and Honduras) who were tortured at the hands of Latin American death squads (who claim they saw a North American, or “gringo” at least once during their interrogation who usually told their interrogators what to ask and what to do) as

part of her evidence.³ She also uses information obtained from the CIA after the Freedom of Information Act.

She contends that the U.S. used torture in conflicts of American interest for the past 50 years, and that the vast majority of the people tortured are almost always innocent or do not have the information their interrogators desire. She argues that not only has the CIA has been hiding this practice, but that it goes directly against American values and makes America less safe. She quotes Abu Ahmad, who experienced the mistreatment of Abu Ghraib firsthand after his release, “The Americans are an occupation force, not liberators, and we should fight to drive them out.”⁴

Furthermore, Harbury claims that the alleged torture occurring in the Middle East and Guantanamo is strikingly similar to uses of torture in Latin America and Vietnam. These methods include waterboarding (which the CIA has admitted to using)⁵, torturing family members in front of the prisoner, the use of hoods, constant beatings, nakedness, electrodes, sleep deprivation, solitary confinement, rape, and sexual humiliations.⁶

The lawyer for over 50 men held in Guantanamo Bay provides equally important research. Clive Stafford Smith’s book is titled *Bad Men: Guantanamo Bay and the Secret Prisons*. In his book, he describes the mistreatment of prisoners at Guantanamo, witnessing some of it personally. For a Guantanamo lawyer, it is an uphill battle to develop a relationship with the detainees as the guards make it as difficult as possible.⁷ Before lawyers were allowed to see any detainees in Guantanamo, the military sent in interrogators dressed as lawyers to “screw” with

³ Jennifer K. Harbury. *Truth, Torture, and the American Way: The History and Consequences of U.S. Involvement in Torture*. Boston: Beacon Press, 2007. 60.

⁴ Ibid, 12.

⁵ Caitlin Price, “CIA Chief Confirms Use of Waterboarding on 3 Terror Detainees,” *University of Pittsburgh School of Law*, February 5, 2008.

⁶ Ibid, 19.

⁷ Clive Stafford Smith. *Bad Men: Guantanamo Bay and the Secret Prisons*. London: Weidenfield and Nicholson, 2007. 12.

the detainees.⁸ The interrogators went at great lengths to make the detainees feel that lawyers are the real enemy. The detainees were also told that the lawyers are gay and Jewish, so that the detainees would not trust them. The detainees, according to Smith were also treated worse after they asked for a lawyer.⁹

For these reasons, Smith believes that the actions America has taken after September 11, 2001 weakened America's security. He lays out rules for fighting terrorism, one of which is "if you behave decently, you will get better information from your subjects than if you torture people."¹⁰ With his extensive experience speaking with prisoners and former CIA agents, it is clear that a little bit of decency gets much more information out of a person that is *accurate*. "When they were abused, they were willing to say anything and only wanted to repeat what their abusers wished to hear."¹¹ To prove his point, he provides the case of Ibn Sheikh Al-libe, a supposed al-Qaeda member. When he was tortured, he confessed that there was a connection between Osama bin Laden and Saddam Hussein.¹² Only later did the lie become exposed; he only said what his tormenters wanted him to say. Unfortunately, his confession was one of the main justifications for President Bush rallying enough support for the Iraq War, but it was completely false information.¹³

In academia, few scholars have supported the use of torture in interrogations. One of these scholars is Dr. Michael Levin, a philosophy professor at the City University of New York. He has defended the use of torture for many years. Levin argues that the use of torture is acceptable, and sometimes even necessary when considering the greater good for human society

⁸ Ibid, 31.

⁹ Ibid, 11.

¹⁰ Ibid, 279.

¹¹ Ibid, 41.

¹² Ibid, 80.

¹³ Ibid, 82.

in his article “The Case for Torture.” He brought up situations in which he called the use of torture “morally mandatory.”¹⁴ According to Levin, torture should be used in extreme cases, such as the “ticking-bomb scenario,” when a terrorist in custody has information about an impending attack, and whose confession can save the lives of hundreds or even thousands. The lives of the many outweigh the terrorist’s pain and agony. Levin contends that the terrorist has put himself in that situation and deserves little pity, while the lives of all the people he endangers are the only to be considered. The terrorist is a human and has rights, but the rights of all the people he aims to hurt are more important.¹⁵ In the article, Levin uses hypothetical situations and does not provide the reader with a real world situation that has ever occurred.

On the contrary, David Luban, professor of law at Georgetown University believes that too many people buy into Levin’s scenario. In his article titled “Liberalism, Torture, and the Ticking Bomb,” he demonstrates how American interrogators were allowed to get away with torture because many Americans did not find the practice abhorrent. He quotes Alan Dershowitz, a professor of Harvard Law school who says that “During numerous public appearances since September 11, 2001, I have asked audiences for a show of hands as to how many would support the use of nonlethal torture in a ticking-bomb case. Virtually every hand is raised.”¹⁶ In the article Luban explains that the reason the Bush Administration was able to utilize torture is that so many liberally-minded people approved of it. He argues that the ticking-bomb scenario was too easily applied to many prisoners in U.S. detention, even though the situation never relates.¹⁷

Several of these authors claim that the ticking-bomb scenario is the reason that so many people justified the use of torture. How could anyone possibly be against the use of torture when

¹⁴ Michael Levin. “The Case For Torture,” in *Newsweek*, June 7, 1982.

¹⁵ *Ibid.*

¹⁶ David Luban. “Liberalism, Torture, and the Ticking Bomb,” in *Virginia Law Review*. Vol 91, No. 6, pp 1425-1461 (Oct 2005). 1427.

¹⁷ *Ibid*, 1458.

it is known that there is a bomb somewhere in the Empire State building that will go off in an hour, and a man in custody knows exactly where it is. Would torture not be the best form of interrogation when you are running against the clock?

How often does this fictional “ticking-bomb scenario” ever occur? Would the person who placed the bomb ever admit to placing it before it went off? How do we know for sure which terrorist has the information needed? Does this mean that police across the country should be torturing all suspects so that every crime might be halted? Smith took these questions to several different people who justified the use of torture in the most dire of situations. He interviewed William Cowan, a former Colonel in the Marine Corps during Vietnam, who claims to have used torture numerous times in the jungle of Vietnam (his stories are similar to those of Harbury’s), Professor Alan Dershowitz of Harvard University and a former CIA agent named Mike Baker. Baker admitted to using some tactics that are tantamount to torture (sleep deprivation) and claims that during his 16 years in the CIA that no situation close to the ticking-bomb scenario ever occurred. He also claimed that “you cannot trust information that’s gathered from a torture situation.”¹⁸ His reasoning being that using torture in an interrogation provides false and therefore useless information.

Cowan claimed that torture was only useful if employed immediately after an enemy was captured. He believed that the use of torture and abuse in the War on Terror is abhorrent because it often takes place months to years after they are captured, meaning their information is useless.¹⁹ According to Cowan, an enemy combatant only has vital information for a short period of time after his/her capture. Because the plans of the enemy can change frequently (in war,

¹⁸ Smith, 47.

¹⁹ Ibid, 41.

quick adjustments are constantly necessary), a prisoner's information is only useful for a very short period of time.

Dershowitz began his interview by stating that he hated torture, but that he hated terrorism worse. He believes that torture should only be used when there is direct knowledge linking the detained person to the impending doomsday scenario. He gives a lot of reasons that are similar to Levin's.²⁰

Harbury believes that the ticking-bomb scenario is used to scare Americans into accepting the practice of torture. She states that the situation described in the scenario has never actually happened, but does admit that it is possible. For it to happen, she says that a myriad of factors have to come together all at the same time. The factors being a terrorist essentially claiming that he/she has planted a bomb after his/her capture. She also states that this is not a reason to legalize or accept torture in any way. She differs with Dershowitz here because she believes the situation to be incredibly far-fetched, but nonetheless slightly possible. "If a law enforcement of CIA agent really prevented the destruction of the entire city of New York by reluctantly torturing a prisoner, it is rather improbable the he or she would ever be indicted. If indicted the judge would still have a great deal of leeway in determining a "just" sentence. If sentenced to any prison time, a presidential pardon or grant of clemency would be virtually granted."²¹ She contends that America would never condemn a police officer or CIA agent who saved lives using torture, while Dershowitz would like to legalize torture, only after the president gives the clearance to do so.

Smith goes at great lengths to disprove the idea that torture would ever be necessary in a major crisis situation. "Nobody [referring to those he interviewed], given 500 years could

²⁰ Ibid, 31

²¹ Harbury, 120.

identify one instance where a catastrophic bomb had been defused by torture.”²² For him, not only is torture incredibly inhumane, but it is also a way of obtaining false information. He uses the Salem Witch Trials where people were tortured into admitting that they were “witches” as an example. When a person is under extreme pain and duress they are liable to say whatever their interrogator want them to.²³

Smith agrees with Luban that torture and the mistreatment of prisoners are mostly accepted by citizens of the United States as long as people are not forced to see or deal with it. He asserts that the lack of outrage about what happened during the War on Terror means that the American population allowed it to happen and is somewhat responsible.²⁴

In short, most of these authors believe torture to be inhumane and see it as something that decreased the safety level of Westerners abroad and at home. Many of them hold the opinion that the use of torture and the pictures that came out of Abu Ghraib have only created more animosity towards the West and produced new enemies. One example of this was the spread of al-Qaeda to Iraq, where they had no presence prior to the American invasion.²⁵ They also affirm that it is more important to win the hearts and minds of the people, which is hard to do when they are being tortured and humiliated. Smith compares the War on Terror with the Cold War by saying, “So should we have tortured any Russian who came across, to try to learn anything and everything we could about Soviet plans to launch a nuclear attack? Did we? Or did the US hope to learn more by promising Soviet defectors asylum, a new home and a 1955 Chevy?”²⁶ Torture was certainly used during the Cold War, being utilized mostly in conflicts that took place in the

²² Smith, 48.

²³ Ibid, 29.

²⁴ Ibid, 31.

²⁵ Frank James, “Intel Officials Worry Iraq’s al-Qaeda to Spread,” *Chicago Tribune*, February 5, 2008.

²⁶ Smith, 35.

third world (Vietnam and Central America), while Soviet defectors were offered incentives.²⁷

Smith maintains that a little decency brought out more information than forcing them to admit to crimes and sign faulty confessions.

Additionally, one reason that so many Americans justified, or at least ignored the issue of torture during the War on Terror may be partially found in American popular culture. Popular TV shows like “NYPD Blue” and “24” lent credibility to torture, showing that the hero always knew for sure whether the prisoner had the information. For nearly a decade Andy Sepowicz, the main character of “NYPD Blue” went “face to face with pure evil,” a murderer, rapist or kidnapper in his interrogation room. He often put his badge on the line by “tuning up” the suspect with real or threatened beatings. In this show the situation was always urgent and the information sought was specific and the suspect always had it, coinciding nearly perfectly with the “ticking-bomb scenario.” For the many Americans who watched the show, the “tune-up” was wrong, but nonetheless necessary.²⁸ Unfortunately, The War on Terror was not a television series, in reality there is no way to know for sure if you have the right suspect, or that the information he/she is divulging is reliable or not.

Similarly, the show TV “24” seemed to condemn torture as immoral while making the audience feel that it was a necessary evil. Jack Bauer, the main character in the series, had a disregard for authority which led him to torture terrorists, criminals and even colleagues that had information that could potentially save American lives. The series’ executive producer, Howard Gordon said that the show “taps into the public’s fear-based wish fulfillment of having protectors who will do whatever is necessary to save society from harm.”²⁹ With these words, he made it

²⁷ Alfred W. McCoy. *A Question of Torture: CIA Interrogation from the Cold War to the War on Terror*. New York: Henry Holt and Company LLC, 2006. 12.

²⁸ Ibid, 191.

²⁹ Bell Keveney. “Fictional ‘24’ Brings Real Issue of Torture Home,” *USA Today*, March 13, 2005.

seem that Americans accept torture because they believed that those in power would do whatever is necessary and right to protect them.

Bill O'Reilly's "O'Reilly Factor," that aired nightly on Fox News also provided Americans with an "expert" on political issues who defended the use of torture. In several cases, O'Reilly put the following question to his anti-torture guests, "If there is a detainee in Guantanamo who has information that could save American lives, how could you possibly disagree with torturing the prisoner? Are the lives of Americans not more important?" The question he posed to these various guests (such as Hillary Clinton) left no room or possibility that there may be a better method than torture to extract information out of detainees.³⁰ O'Reilly also has gone on the record to say that he would "not give them any protections. I don't feel sorry for them. In fact, I probably would have ordered their execution if I had the power."³¹ O'Reilly painted a picture for his many American viewers that every man held at Guantanamo was guilty (even though only ten have yet to be charged with a crime)³², evil, and should be afforded no human rights whatsoever. To O'Reilly, they are simply al-Qaeda or Taliban operatives who strive for nothing less than bringing down America.

It became easier for Americans to accept torture as they had a popular political pundit defending torture and several of their favorite TV shows portrayed torture as the only effective form of interrogation for extracting information. Mix this in with a public that was still reeling from the terrorist attacks of 9/11 and you have the perfect recipe for a democratic society to accept torture.

However, torture used to be incompatible with America's values. In the years following World War II, American diplomats played a central role in drafting the UN's Universal

³⁰ "O'Reilly: 'It's Bull' that torture doesn't work." *Thinkprogress.org*, May 2, 2008.

³¹ "O'Reilly: I would execute everyone at Gitmo." *Thinkprogress.org*, August 3, 2005.

³² "US Close to Charging Guantanamo Prisoners." *Sydney Morning Herald*, January 7, 2007.

Declaration of Human Rights and the Geneva Conventions on treatment of prisoners. Both of these documents ban torture in practice and in principle. Article 5 of the UN's DHR, which former first lady Eleanor Roosevelt helped draft in 1948, says that "no one shall be subjected to torture, or to cruel, inhuman or degrading punishment."³³

The UDHR reflected the values of victorious nations and was largely a response to the atrocities committed by the Nazis. Delegates from the U.S. and other nations around the world believed that it was necessary to have a universal declaration of rights that specified the rights of every individual because of the mistreatment of millions during World War II.³⁴

The CIA developed different forms of interrogation during the early 1950s in the midst of the Cold War due to an anticommunist foreign policy. The American public and government feared a communist infiltration and allowed the CIA to collect intelligence with little to no oversight from congress or the executive branch.³⁵ They searched for mind-control drugs with little success. This led to a new approach towards interrogation, called by some to be "no-touch torture." According to historian Alfred W. McCoy of the University of Wisconsin-Madison, they knew and had already figured out that heightened pain during interrogation led to heightened resistance. After little success with mind control they developed tortures known as "sensory deprivation" and "self-inflicted pain."³⁶

Sensory deprivation is an assault on all senses and sensibilities---auditory, visual, tactile, temporal, survival, sexual and cultural. They used isolation, standing, heat and cold, light and dark, noise and silence for a systematic attack on the human senses. According to McCoy, "when

³³ The Universal Declaration of Human Rights. Adopted by General Assembly on Dec. 10, 1948.

³⁴ Peter Bailey. "The Creation of the Universal Declaration of Human Rights," *universalrights.net*

³⁵ McCoy, 22.

³⁶ Ibid, 8.

they include self-inflicted pain, this creates a synergy of physical and psychological trauma whose sum is a hammer-blow to the fundamentals of personal identity.”³⁷

Once the CIA completed its study of “no-touch” torture, the application of the method was codified into the KUBARK Counterintelligence Interrogation manual in 1963 (KUBARK was a code word used for the CIA in Vietnam).³⁸ The manual was sent to CIA operatives in Vietnam for the Phoenix Program (CIA attempt to neutralize the civilian infrastructure supporting the National Front for Liberation of South Vietnam) and with US Army Mobile Training teams active in Central America in the 1980s. The KUBARK Manual was declassified by the Pentagon in 1996.³⁹

The KUBARK manual recommends arresting suspects early in the morning by surprise, blindfolding them, and stripping them naked. Suspects should be held incommunicado and should be deprived of any kind of normal routine in eating and sleeping. Interrogation rooms should be windowless, soundproof, dark and without toilets.⁴⁰

The manual advises that torture techniques can backfire and that the threat of pain is often more effective than pain itself. This is where the term “no-touch torture” came from. The manuals describe coercive techniques to be used “to induce psychological regression in the subject by bringing a superior outside force to bear on his will to resist.” These techniques include prolonged constraint, prolonged exertion, extremes of heat, cold, or moisture, deprivation of food or sleep, disrupting routines, solitary confinement, threats of pain, deprivation of sensory stimuli, hypnosis, and use of drugs or placebos.⁴¹ These methods were used both in the Vietnam War during the Phoenix Program and in various Central American countries in the 1980s, such

³⁷ Ibid, 9.

³⁸ Walter Pincus, “Iraq Tactics Have Long History With U.S. Interrogators,” *Washington Post*, June 13, 2004.

³⁹ Ibid.

⁴⁰ KUBARK Counterintelligence Interrogation Manual, dated July, 1963.

⁴¹ Ibid.

as Guatemala and Honduras.⁴² This is important to note because the methods the CIA and military used in the War on Terror were contingent on uses of torture in the recent past. A precedent had been set early in the Cold War that allowed the CIA to operate with little outside scrutiny (from congress or from the executive branch). This is one of the principle reasons why the CIA and U.S. Military were able to use methods of torture in the War on Terror.⁴³

McCoy's allegations are strongly corroborated by Harbury, who has studied and investigated the presence of the CIA in Latin America for the past 20 years. According to her, the CIA was involved with the internal conflicts of the 1980s in Guatemala, El Salvador and Honduras: "As the battle for economic and social justice raged between the landed gentry and the landless poor, local military regimes utilized rampant torture and terror to quell the uprisings."⁴⁴

Through her research, she has found that U.S. Intelligence Officials supported these military regimes in two different ways: by their intimate partnership in and support for the day-to-day activities of intelligence death squads, and second, by their direct participation in torture itself.⁴⁵ In her book she describes 21 individual cases of torture that took place at the hands of the interrogators of these death squads. Included in each, was the mention of a North American overseer who either did the questioning or guided the interrogators. The overseer was rarely in uniform and never wore any name tags. This, Harbury claims, compounded with the information available about the U.S. government's relationship with the army death squads, leads to the conclusion that the CIA was at least partially behind the torture.⁴⁶ Both authors provide strong evidence to link the CIA and its torture techniques to Vietnam and Central America. The purpose

⁴² McCoy, 20.

⁴³ McCoy, 22.

⁴⁴ Harbury, 28.

⁴⁵ Ibid, 30.

⁴⁶ Ibid, 33.

in linking CIA methods of torture to conflicts of the 1970s and 80s to the tortures propagated in the War on Terror is to show that the CIA has a long history of using torture during interrogations. The acts of torture that shocked the world during the War on Terror should not have surprised Americans because they were a commonly used interrogation method the CIA had used for years.

This can be seen in the Abu Ghraib scandal that broke in April of 2004. As soon as the scandal came to light, the Bush Administration declared the abuses to be “un-American” and to be the work of a few “bad apples” (poorly trained MPs). Published photographs showed naked, bound and, hooded prisoners with electrodes attached to their bodies, piled into human pyramids, terrorized by dogs, forced to masturbate or to wear women’s clothing or to pose in simulated or actual homosexual acts. All of which acts were forced upon them by U.S. soldiers. The MPs who were implicated in the pictures that came out of the scandal admitted to abusing the prisoners, but also said that they were just following the orders of higher level intelligence officials who were in charge of the interrogations.⁴⁷

One of the more famous photographs coming out of the scandal was the hooded man standing on the box with electric cables attached to his fingers and toes. According to Darius Rejali, torture expert and professor of political science at Reed University, this is a longstanding torture method called “the Vietnam.” Rejali asked, “was that something that an [MP] dreamed up herself? Think again. That’s a standard torture...But it’s not common knowledge. Ordinary American soldiers did this but *someone* taught them.”⁴⁸ McCoy explains that the forced standing

⁴⁷ Philip Shenon, “Officer Suggests Iraq Jail Abuses Were Encouraged,” *New York Times*, May 2, 2004.

⁴⁸ Darius Rejali, “A Long-standing Trick of the Torturer’s Art,” *Seattle Times*, May 14, 2004.

and arms outstretched are for the “self-inflicted pain” part of the torture while the hood is for the “sensory deprivation” part.⁴⁹

Providing more evidence that the CIA is behind the tortures, McCoy explains how, in 1956, the CIA commissioned two experts, Harold Wolff and Lawrence Hinkle, who described the effects of forced standing. The ankles and feet swell to twice their normal size within 24 hours. Moving becomes agony. Large blisters develop. The heart rate increases, and some faint. The kidneys eventually shut down.⁵⁰

When the defense attorneys for the prisoners of Abu Ghraib sought to locate the intelligence officials in charge, they were faced with poorly kept logs, riddled with sarcastic names like “James Bond” and “John Doe.”⁵¹ This provides evidence that the official in charge of intelligence gathering, both CIA and military did their work through intermediaries. Harbury points out that this is remarkably similar to how intelligence officials worked in Central America. They often went by a single name and had a lower level soldier actually torture the prisoner. During both conflicts (Iraq and Central America), Harbury says that the higher level intelligence officials “quietly slipped into the shadows when the time came for justice.”⁵² Harbury makes more connections to the tortures propagated at Abu Ghraib and Central America, saying that “all of the Latin American torture survivors also remembered the hoods, the constant beatings, the nakedness, the electrodes, the rapes and sexual humiliations as well.”⁵³

The MPs involved were the only ones to see any jail time. Surprisingly, they received support from one of their own prisoners, Mr. Saddam Saleh Aboud. After the U.S. invaded Iraq,

⁴⁹ McCoy, 18.

⁵⁰ McCoy, 22.

⁵¹ Carl Hulse and Sheryl Stolberg, “Lawmakers See Iraq Images and Are Shaken by Scenes,” *New York Times*, May 13, 2004.

⁵² Harbury, 13.

⁵³ *Ibid*, 14.

About saw what he thought might be a bomb in a parked car. He reported his observation to the Iraqi Police, only to be arrested and handed over to American troops at Abu Ghraib. According to his testimony, he was stripped, hooded (both of these methods can be found in the KUBARK Manual), urinated on, and left with his arms and legs tied together behind him in the painful “scorpion” position. He had also been chained to the bars of his cell for twenty-three hours and forced to urinate on himself. Loud music was left on for constant hours (another KUBARK technique). He said that he admitted to anything he was asked just to get the torture to stop, once even confessing that he was Osama bin Laden himself in disguise. About claimed that the MPs were doing nothing but following orders, and that higher level officials routinely visited.

He especially remembered a military intelligence agent named “Steve,” who told the others what to do. When About was asked if he planned to become an insurgent, he said, “What would you do if I occupied your country, tortured people, and violated all the laws of your country? Would you resist me?”⁵⁴

Further evidence that the CIA propagates torture as its official policy can be found in the testimonies of men released from U.S. custody from U.S. bases in the Middle East and Guantanamo Bay. The case of the “Tipton Three,” three British citizens from Tipton in the West Midlands named Asef Iqbal , Ruhai Ahmed and Shafiq Rasul. The three were in U.S. custody for over two years after the CIA and MI5 wrongly identified them as having been pictured in a video tape of a meeting in Afghanistan between Osama bin Laden and the leader of the 11 September hijackers, Mohamed Atta. At their release U.S. Intelligence admitted that it had no foundation in accusing them of having connections to al-Qaeda.⁵⁵ Nevertheless, they were tortured to give

⁵⁴ Ian Fisher, “Iraqi Tells of Abuse, from Ridicule to Rape Threat,” *New York Times*, May 14, 2004.

⁵⁵ David Rose. “Revealed: The Full Story of the Guantanamo Britons.” *The Guardian Unlimited*, March 14, 2004.

information about al-Qaeda that they never knew. They go on to explain some of the tortures they experienced:

Religious harassment including the forced shaving of detainees beards and guards throwing inmates' Korans into toilets. Inmates forcibly injected with drugs; shackled, hooded and forced to squat for hours or days; being kept naked in freezing air conditioning and deprived of sleep. Sexual humiliation including photographing prisoners naked and subjecting them to unwarranted and brutal anal searches. The dossier says that one inmate reported that he had been shown a video of hooded men—apparently detainees—being forced to sodomise one another.⁵⁶

There is also the case of another British citizen, Moazzam Begg. Begg was detained at his home in Pakistan, where he had been working with humanitarian groups. Throughout his narrative, “Enemy Combatant,” which details his experiences at the hands of the CIA, he writes about how he was taken from his family in the middle of the night by gunpoint, with a hood being thrown over his head. He writes about how he was treated inhumanely and tortured in numerous and agonizing ways. He was held for over three years, never being charged with a crime. He was released from Guantanamo Bay, Cuba in 2005 to his native Britain.

Throughout the narrative Begg explains how he spent weeks, even months at a time in solitary confinement, and was barely allowed to contact his family. U.S. soldiers interrogated him over 300 times, sometimes chaining him in the interrogation room for hours at a time, beating him numerous times, chaining him by his hands to the top of a door leaving him hanging, suffocating him with a bag over his head, and threatening him with death.⁵⁷

Murat Kurnaz, another man released from Guantanamo Bay claimed that he “saw people dying.” He was a legal German resident and was never charged with a crime. On May 20, 2008

⁵⁶ Julie Hyland. Britons Release Devastating Account of Torture and Abuse by US forces at Guantanamo. *World Socialist Web Site*, Aug 6, 2004. <http://www.wsws.org/articles/2004/aug2004/guan-a06.shtml> (accessed May 24, 2007.)

⁵⁷ Moazzam Begg. *Enemy Combatant: My Imprisonment at Guantanamo, Bagram, and Kandahar*. New York: New Press, 2006. 212.

he became the first former Guantanamo detainee to testify before the U.S. Congress, which he did from Germany by videolink.⁵⁸ He also alleges that he was subject to religious persecution:

When none of these torture methods worked, they applied psychological torture. They threw the Qur'an to the floor and kicked it around, throwing it in the toilet. They were playing Adhan along with other music and dancing to it. They made religious insults. Once I could not feel my feet or hands due to the cold. Then I felt a gun barrel at my head. The soldier was yelling at me saying that he was going to kill me. I started laughing. All other detainees started laughing, too. Because I felt that I was already dead. If they killed me, they would be doing me a favor.⁵⁹

The above testimonies describe tortures detailed in the KUBARK Manual. When Begg was taken from his home in Pakistan he was held incommunicado, his initial interrogation rooms were dark and windowless, and he was kept from any regular routines, just as prescribed in the KUBARK Manual. Several of these men were forced to endure the “extremes of heat and cold,” prolonged solitary confinement and prolonged constraint, all of which were also outlined in the KUBARK Manual. Religious persecutions were not outlined in the KUBARK Manual, but the fact that religious persecutions happened at each of these different prisons shows a consistent form of interrogation that appears to be standard operating procedure.

Men held at prisons other than Abu Ghraib were kept prisoner in Guantanamo Bay, Bagram Air Force Base, and the army prison in Kandahar, Afghanistan. Accusations of torture in these other locations are eerily similar and span the space of continents. How could such similar acts of abuses be propagated if it were not the official policy of the CIA? Each of these men, who were held at different prisons at different times, tell of very similar abuses and tortures. Because these abuses are alleged to have taken place in Iraq, Afghanistan and Cuba, they lend credibility to the notion that the CIA and U.S. Intelligence use these methods as standard operating

⁵⁸ Mariah Blake, “Guantanamo ex-Detainee Tells Congress of Abuse,” *Christian Science Monitor*, May 20, 2008.

⁵⁹ I would like to get married and start a family. *Hurriyet*, December 13, 2005.

<http://www.hurriyet.com.tr/gundem/5424529.asp?m=1&gid=112&srid=3428&oid=5> (accessed May 26, 2007).

procedure. For sponsoring policies such as these abroad in the 1970s and 80s, the U.S. had no claim in being a positive force for human rights in the world.

With the end of the Cold War coming in the early 1990s, the U.S. resumed its role in advocating for human rights. As a result, the U.S. participated in the World Conference on Human Rights in Vienna in 1993 and ratified the UN Convention Against Torture a year later (originally drafted in 1984).⁶⁰ Despite appearing to embrace a larger definition of human rights, McCoy points out that the U.S. “failed to repudiate the CIA’s propagation of torture, while adopting a UN convention that condemned its practice, the United States left this contradiction buried like a political land mine to detonate with phenomenal force, less than ten years later, in the Abu Graib prison scandal.”⁶¹ In other words, the U.S. made a strong attempt during the 1990s to abolish the practices of old, and be among the leaders of the world in championing human rights. This would not last, as America failed to uphold basic human rights tenets during the War on Terror less than a decade after signing onto the UNCAT. Old traditions die hard, and America would look back to tumultuous times during the second half of the 20th century for help in defining its foreign policy towards prisoners after one of the greatest tragedies in American history.

In the aftermath of the tragedy of the September 11 attacks, the president and both houses of congress moved quickly to pass the American bill titled “Provide Appropriate Tools Required to Intercept and Obstruct Terrorism,” or the PATRIOT Act (October 26, 2001). The bill was signed into law by President George W. Bush six weeks after the attacks and brought about many changes in civil rights and protections for the United States.⁶²

⁶⁰ McCoy, 11.

⁶¹ McCoy, 12.

⁶² Public Law 107-56, 107th Congress.

In the wake of such an attack, when it was fresh on the minds of so many Americans, few congressmen were brave enough to speak out against the Act as it was passed 98-1⁶³ in the Senate and 357 to 66 in the House.⁶⁴ Even fewer spoke out publicly against it, as nearly none of America's leaders thoroughly considered the consequences such a bill could have. One senator, Russ Feingold (D-WI), who was a member of the Constitution Subcommittee explained his opposition at the time:

There have been periods in our nation's history when civil liberties have taken a back seat to what appeared at the time to be the legitimate exigencies of war. Our national consciousness still bears the stain and the scars of those events: The Alien and Sedition Acts, the suspension of habeas corpus during the Civil War, the internment of Japanese-Americans, German-Americans, and Italian-Americans during World War II, the blacklisting of supposed communist sympathizers during the McCarthy era, and the surveillance and harassment of antiwar protesters, including Dr. Martin Luther King Jr., during the Vietnam War. We must not allow these pieces of our past to become prologue.⁶⁵

Senator Feingold brought up many examples that yielded negative consequences when too much power was given to the highest authority with little oversight. The central point of Feingold's explanation is that people, whether guilty or not, would be deprived of their rights against cruel or unusual punishment in the name of national security. At the time, he seemed to believe that the Patriot Act would lead to the same kinds of results.

Senator Feingold wrote against of the language in the bill that he believed might lead to the deportation of innocent people. The language which he refers to is the language that stipulates that individuals may be deported for affiliations with different groups. "This language creates a very real risk that truly innocent individuals could be deported for innocent associations with humanitarian or political groups that the government later chooses to regard as terrorist

⁶³ U.S. Senate Roll Call Votes 107th Congress - 1st Session.
http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote

⁶⁴ Final Vote Results For Roll Call 398. <http://clerk.house.gov/evs/2001/roll398.xml>

⁶⁵ Feingold, Russ. "Why I Opposed the Anti-Terrorism Bill." October 26, 2001.

organizations. Groups that might fit this definition could include Operation Rescue, Greenpeace, and even the Northern Alliance fighting the Taliban in northern Afghanistan. This provision amounts to ‘guilt by association,’ which I believe violates the First Amendment.”⁶⁶ Senator Feingold feared that individuals linked to certain groups in the past that were not considered terrorist groups may be in danger of being detained for their past affiliation if these groups were ever labeled as “terrorist” groups. This was similar to McCarthy’s blacklisting of individuals for their past involvement with communist groups, sometimes being affiliated with them over twenty years prior.⁶⁷

There have been cases of U.S. forces and government agents detaining men for their alleged associations with “groups that support terrorism.” Moazzam Begg, mentioned earlier was one of the victims of this kind of language. At his release from Guantanamo, he found out that he had been labeled as a possible terrorist suspect for money he had donated to a Kashmiri Freedom Fighter Group in 1993 that was subsequently labeled a terrorist group.⁶⁸

In a January 2002 memo to the president, former Attorney General Alberto Gonzales laid out broad arguments that seemed to anticipate any objections to the conduct of U.S. soldiers or CIA interrogators in the future. "As you have said, the war against terrorism is a new kind of war," Gonzales wrote to Bush. "The nature of the new war places a high premium on other factors, such as the ability to quickly obtain information from captured terrorists and their sponsors in order to avoid further atrocities against American civilians." Gonzales concluded

⁶⁶ Ibid.

⁶⁷ McCoy, 156.

⁶⁸ Begg, 201.

with these terms: "In my judgment, this new paradigm renders obsolete Geneva's strict limitations on questioning of enemy prisoners and renders quaint some of its provisions."⁶⁹

This memo provided the Bush Administration with the necessary arguments for not allowing detainees POW status, according to the Geneva Conventions, meaning they could treat prisoners however they deemed necessary. Although the administration was trying to protect American citizens, they went about it in a heavy-handed and authoritarian manner.

When reading the testimonies of former prisoners at the Guantanamo Bay Detention Camp it is hard for even the most skeptical person to doubt their testimonies because they are so similar. Testimony from many former prisoners, however, is not the only reason to believe that U.S. interrogators are using torture on the detainees. Since the opening of the camp, an increasing number of detainees have attempted suicide and suffered psychological breakdowns.⁷⁰ Human rights groups such as Amnesty International and UN Human Rights groups have called for the camp's closure. Five inspectors with the United Nations Human Rights Commission said that the treatment of the prisoners by the US at Guantanamo "must be assessed as amounting to torture."⁷¹

Senator Feingold's predictions have proved to at least be partially true. Innocent men have been detained and their rights according to international standards have been stripped. The Patriot Act is not the only act that led to the search and detention of foreign scapegoats. The president also made many decisions under his own legal authority that lead to torture and the mistreatment of prisoners. He considered the Geneva Conventions "obsolete," and sent detainees to "undisclosed locations," and ignored reports of torture and abuse. Kenneth Roth, Executive

⁶⁹ Alberto Gonzales, Memorandum for the President: Decision Re-application of the Geneva Convention on Prisoners of War to Conflict with al-Qaeda and the Taliban, January 25, 2002.

⁷⁰ Ghoshray, Soby. *Guantanamo Bay and the Judicial-Moral Treatment of the Other*. Purdue University Press, 2007. 82.

⁷¹ O'neil, John. "UN calls on US to close Guantanamo camp." *New York Times*, Feb 16, 2006.

Director of Human Rights Watch claims that “The horrors of Abu Ghraib were not simply the acts of individual soldiers. Abu Ghraib resulted from decisions made by the Bush administration to cast the rules aside.”⁷² President Bush and his administration created a different category for prisoners captured during the War on Terror, which are usually referred to as enemy combatants.

According to scholar Robert Rapley:

These prisoners could be tried in secret, and the death sentence could be applied. Enemy combatants could be held in prisons outside the United States, and if they were so held, they would have no appeal to the American justice system. New methods of treatment were authorized by the administration under the powers of the executive, and within these were measures that did not meet the provisions of the Geneva conventions and that permitted actions against prisoners the much of the world considered to be “torture.” To be classified as an enemy combatant, a person had only to be a foreigner and to be accused by the administration or its functionaries.⁷³

Rapley briefly describes how organizations like the CIA and the executive branch of the US government are able to consolidate and centralize their power. He argues that the executive branch operated in “excessive secrecy” in not making available the information to the legislative branch it requires to exercise reasonable oversight.

In a paper prepared in 2003 under the direction of the Defense Department's chief counsel, the president of the United States was declared empowered to disregard U.S. and international law and order the torture of foreign prisoners. Interrogators following the president's orders were declared immune from punishment. Torture itself was narrowly redefined by the Bush Administration so that techniques that inflict pain and mental suffering could be deemed legal.⁷⁴

The UN Convention Against Torture stipulates that the U.S. criminalize torture overseas, and to “undertake to prevent . . . other acts of cruel, inhuman or degrading treatment or

⁷² Kenneth Roth, “Bush Policies Led to Abuse in Iraq,” *Human Rights News*, June 9, 2004.

⁷³ Rapley, Robert. *Witch Hunts: From Salem to Guantanamo Bay*. McGill-Queen’s University Press, 2007. 214.

⁷⁴ Editorial, “Legalizing Torture,” *Washington Post*, June 9, 2004.

punishment" (CID) that "do not amount to torture."⁷⁵ The U.S. Congress only agreed to approve the Convention if there was no obligation to prevent such methods from being used in interrogations performed outside the United States and its possessions (Guantanamo Bay is considered to be outside of the U.S. and its possessions by the U.S. government, although the U.S. controls the land on both sides of the southern part of Guantánamo Bay under a lease set up in the wake of the 1898 Spanish-American War). The Bush Administration repeated over and over in statements and in official memos that the U.S. condemns torture of any kind, just not CID. CID is not torture according to the Bush Administration, but only "enhanced interrogation techniques."⁷⁶ Various practices that the Bush Administration considers only CID are in fact defined as torture under the UNCAT (e.g. waterboarding, mock executions) as they bring "severe pain and suffering...physical or mental."⁷⁷ The American Psychological Association considers these methods torture,⁷⁸ as does Amnesty International, Human Rights Watch and the UN Human Rights Commission.⁷⁹

Many international groups claimed that the officially recognized interrogation techniques administered to the prisoners at Guantanamo and at other CIA prisons amount to torture. The UNCAT defines torture as such:

Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is

⁷⁵ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, United Nations, 10 December 1984.

⁷⁶ David Luban, "Torture, American Style," *Washington Post*, November 27, 2005.

⁷⁷ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, United Nations, 10 December 1984.

⁷⁸ APA letter to President George W. Bush. http://www.salon.com/news/primary_sources/2007/11/06/torture_letter. Accessed May 22, 2008.

⁷⁹ Amnesty International Report: USA: Close Guantanamo. Guantanamo-Torture and Other Ill-treatment. Index Number: AMR 51/189/2006.

inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.⁸⁰

Torture (arguably CID by the Bush Administration's definition) has been officially acknowledged by the FBI at Guantanamo Bay: 18- to 20-hour-a-day questioning for 48 out of 54 days, blasting prisoners with strobe lights and ear-splitting rock music, menacing them with snarling dogs, threatening to hurt their mothers, and humiliations such as leading them around on leashes, stripping them naked in front of women, or holding them down while a female interrogator straddles them and whispers that their comrades are dead.⁸¹ The use of constant rock music for hours can bring severe pain, while threatening to hurt their family and stripping them naked in front of women amounts to intimidation and coercion.

These are interrogation techniques that the military officially admitted to, according to the Schmidt Report. The Schmidt Report was a conclusion of the conditions and the treatment of prisoners at Guantanamo by the FBI and was prepared by Lt. Gen Randall Schmidt. Most of the Schmidt report still remains classified. According to Luban, legislation for these techniques were struck down by the Supreme Court long ago, because they "shock the conscience." Luban goes on to explain that these sort of interrogation techniques---techniques that "go against what [Americans] stand for"---are being used unnecessarily during interrogations that do not even yield important information to interrogators.⁸²

Because Guantanamo Bay is technically not U.S. soil (still on rent from an agreement between the US and Cuba after the 1898 Spanish-American War), the UNCAT does not apply according to the lawyers of the Bush Administration. They argue that the UNCAT is only

⁸⁰ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, United Nations, 10 December 1984.

⁸¹ The Schmidt Report. <http://www.defenselink.mil/news/Jul2005/d20050714report.pdf> (accessed April 17, 2008).

⁸² Luban, David. "Torture, American Style," *The Washington Post*. November 27, 2005.

applicable to U.S. soil. Luban claims that this sets the precedent that as far as interrogation and intelligence gathering goes, anything is acceptable, except for outright torture as long as it is not within the borders of the United States or its possessions. There is a deep whole in this logic as U.S. environmental laws are strongly enforced at Guantanamo.⁸³ “The lizards have more rights than the detainees at Guantanamo,” claims Smith.⁸⁴

The treatment of the detainees was not only unethical, but it was also illegal according to the Geneva Conventions. The Geneva Conventions consist of four treaties create in Geneva, Switzerland, that set the standards for international law for humanitarian concerns. They chiefly concern the treatment of non-combatants and prisoners of war.

Article 13 of the Geneva Convention states that, “Prisoners of war must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited.” Article 14 goes on to state that “Prisoners of war are entitled in all circumstances to respect for their persons and their honour.”⁸⁵ Both of these articles (not to mention others) are currently being violated by the United States at Guantanamo. The basic human rights of the detainees at Guantanamo are not being respected, and are in fact being violated. The way that the U.S. Government treated prisoners at Guantanamo was illegal according to international standards.⁸⁶ With just the treatments admitted to being used by the CIA and executive branch, it is tough to argue that they received anything close to “humane treatment.”

⁸³ Smith, 36.

⁸⁴ Ibid.

⁸⁵ Zimmerman, W. Frederick. *Basic Documents About the Treatment of the Detainees at Guantanamo and Abu Ghraib*. Nimble Books, Ann Arbor Michigan , 2004. Pgs 42,3.

⁸⁶ Smith, 76.

The Schmidt Report states that none of the treatments or techniques outlined were “inhumane.”⁸⁷ Former US Attorney General Alberto Gonzales argued in 2002 that humane treatment was requiring nothing more than providing food, clothing, shelter and medical care.⁸⁸ If the US is tasked with nothing more than providing basic necessities for existing, the possibility for neglect and harsh treatment is high. According to this standard, sexual humiliation, forced sleep deprivation and threats of harm to one’s family are not considered inhumane by the Bush Administration.

Another official U.S. document, the Camp Delta Standard Operating Procedures was posted on the internet November 27, 2007. The manual was dated 27 March 2003 and was signed by Army Major General Geoffrey Miller, who was the commander of the prison at the time. The 238-page manual shows that it was standard procedure for the military to deny some prisoners access to independent monitors of the International Committee of the Red Cross (ICRC), something the military had denied before the release of the manual. This too, goes against the provisions set out in the Geneva Conventions.⁸⁹

Another standard procedure was to inflict “sensory” deprivation and “isolation” as a means for breaking a prisoner’s will. New prisoners were to be held for two weeks in near isolation (contact only with masked guards) to create a dependence on their interrogators and “enhance and exploit the disorientation and disorganization felt by a newly arrived detainee in the interrogation process.”⁹⁰

⁸⁷ The Schmidt Report. <http://www.defenselink.mil/news/Jul2005/d20050714report.pdf> (accessed April 17, 2008).

⁸⁸ Luban, David. “Torture, American Style,” in *The Washington Post*. November 27, 2005, <http://www.washingtonpost.com/wp-dyn/content/article/2005/11/25/AR2005112501552.html> (accessed April 12, 2008).

⁸⁹ Texts and Commentaries of 1949 Conventions and Additional Protocols. <http://www.icrc.org/Web/Eng/siteeng0.nsf/html/genevaconventions>

⁹⁰ Text of Camp Delta Standard Operating Procedures.

While this may not come across as outright torture, this manual does show some important information. It shows that statements made by the military⁹¹ have not been totally accurate regarding to the Guantanamo Bay Detention Camp. To the contrary, detainees were withheld from the ICRC as regular procedure.

The use of “sensory deprivation” gives more evidence to the fact that the CIA has studied its effects for years and continued the practice through the War on Terror. While sensory deprivation may not amount to torture, depending on the definition you use, they are certainly inhumane according to Dr. Stephen Soldz, a psychologist, public health researcher and professor at the Boston Graduate School of Psychoanalysis:

It doesn't sound that bad. But we're---people are social animals. We exist in a world of interaction with others. To be kept in a cell, often in darkness or, in any case, without any stimulation, with no contact---the guards feeding you often have masks on, don't speak---this---it's well known from psychiatric literature, from research, this breaks down the human soul over time.⁹²

The fact of the matter is, these men were not proven guilty---or even charged with a crime---yet they were still treated in an extremely inhumane manner.

Throughout this paper I have shown how the CIA has tortured prisoners for the purpose of information extraction since the 1960s. During the Phoenix Program in the Vietnam War, torture was utilized by U.S. Troops and the CIA to gain information from prisoners caught in war. Torture was also used by the CIA and military during internal Central American conflicts during the 1980s. During these years, the majority of Americans disagreed with the use and the CIA was able to torture with little detection from the American populace.⁹³

⁹¹ Scott Higham, “A Look Behind the ‘Wire’ at Guantanamo,” *Washington Post*, June 13, 2004.

⁹² Conversation Between Dr. Stephen Soldz and Amy Goodman.

http://www.democracynow.org/2007/11/26/leaked_guantanamo_military_operating_manual_reveals (accessed April 20, 2008).

⁹³ McCoy, 18.

It was not until the 1990s (after the Reagan and first Bush Administration) that the U.S. finally declared that it was again a champion for human rights and signed onto the UNCAT. During the 1990s, the use of torture by the CIA nearly abated completely.⁹⁴ It was not until the terrorist attacks of September 11 that the CIA and military began to use torture in interrogations once again.

The president and his administration took several steps to reestablish the use of torture for interrogations in the War on Terror. They rendered the Geneva Conventions obsolete, impeded the work of the ICRC and used interrogation tactics that they described as “stopping just short of torture.” They used several tactics that were defined as CID, and claimed that detainees had no rights under the U.S. Constitution, Geneva Conventions, or the UNCAT. They defined humane treatment as nothing more than providing the very basic necessities for living. They also exercised uses of torture that the CIA had used in previous conflicts. These steps provided them with the means necessary to torture prisoners in the War on Terror.

They were able to do this because of the fear, apathy and misguided trust of the American people. Despite the fact that the president and his administration took steps independently to make torture acceptable, a large number of experts and scholars blamed the American people for not demanding the practice be stopped, while they blindly accepted it as a part of the reality that came with the War. The American people did not used to accept torture so easily. How is it that in a democratic society, which supposedly loves freedom, can allow such things to happen?

There was a famous photograph of U.S. troops administering the “Water torture,” that appeared in the *Washington Post* in 1968. The caption under the photograph said the technique induced "a flooding sense of suffocation and drowning, meant to make him talk." The torture

⁹⁴ McCoy, 14.

was very similar to the waterboarding technique used today. The picture led to an Army investigation and, two months later, the court martial of the soldiers.⁹⁵ It is interesting that this form of torture was illegal then, but is acceptable now. The administration had admitted to using this torture, and still there was little public outcry.

The fact that waterboarding was a punishable crime during the Vietnam War, and was not during the War on Terror makes it more evident that there was a shift in the values of Americans. There are a few factors that changed the mindset of Americans. There is an actual debate that took place in academia with scholars at major universities defending it as necessary, which gave legitimacy to the propagation of torture. Through popular TV shows (“24” and “NYPD Blue”) and the use of the “ticking-bomb scenario” by people like Alan Dershowitz and Bill O’Reilly, a large enough portion of the American people were duped into believing that torture was the only means to extract vital information and save lives.

The testimony of prisoners discussed in this paper show that the experience of prisoners during the War on Terror was similar to the experiences of prisoners during past conflicts where the CIA was involved. Prisoners have claimed that they were exposed to both extremes of heat and cold for hours on end, prolonged constraint, prolonged solitary confinement, threats of pain and death, deprivation of food and sleep, prolonged exertion, and disrupting routines. Their experiences of these torture tactics were all consistent with the KUBARK Manual. The CIA researched these techniques in the 1950s and 1960s and used them when they felt they needed to ever since. The fact that these prisoners are experiencing these similar techniques across prisons on different continents proves that torture and mistreatment of prisoners is standard procedure, and certainly not done by accident.

⁹⁵ Grant Perry, “A Letter of Help to Judge Mukasey,” *Huffington Post*, November 5, 2007.

Many experts assert that torture provides false information and forced confessions. This argument usually fell on deaf ears, as the American people fell into the scare tactics provided by a small portion of academics and politicians. Prisoners will say anything under duress just to get the torture to stop, which makes the practice all the more deplorable.

Over the years, torture, for the most part has not made Americans safer. The use of torture failed during the Phoenix program as the CIA attempted to neutralize the civilian infrastructure supporting the National Front for Liberation of South Vietnam, more commonly known as the Viet Cong. In the War on Terror there are instances where it has provided false information, inflamed the Islamic world---especially after Abu Ghraib, and deteriorated America's standing in the world.

If the US wants to be successful in Iraq and the War on Terror, it needs to win the hearts and minds of the people, not act as an authoritarian occupation force. The only nations and groups depraved enough were supposed to be America's enemies (Nazi Germany, Soviet Russia and al-Qaeda). President Bush still maintained throughout the war that the U.S. held the moral high ground over its enemies, but is this really true when it engages in acts as inhumane as torture?

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