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# The White House Torture Memoranda

White House

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## **APPENDIX: THE WHITE HOUSE TORTURE MEMORANDA \***

(1) Memorandum from Alberto R. Gonzales, Counsel to the President to George W. Bush, President, Decision Re Application of the Geneva Convention on Prisoners of War to the Conflict with Al Qaeda and the Taliban (Jan. 25, 2002).

-In this memo, Mr. Gonzales advises the President that the Geneva Conventions are inapplicable to al Qaeda and the war in Afghanistan.

(2) Memorandum from Colin L. Powell, Sec'y of State, U.S. Dep't of State to Alberto R. Gonzales, Counsel to the President, Draft Decision Memorandum for the President on the Applicability of the Geneva Convention to the Conflict in Afghanistan (Jan. 26, 2002).

-In this memo, Secretary Powell argues that Mr. Gonzales' position on the Geneva Conventions undermines more than a century of U.S. policy and practice.

(3) Memorandum from William H. Taft, IV, Gen. Counsel, U.S. Dep't of State to Alberto R. Gonzales, Counsel to the President, Comments on Your Paper on the Geneva Convention (Feb. 2, 2002).

-In this memo, Mr. Taft advises Mr. Gonzales that his proposed policy on Geneva Conventions could adversely affect the future well-being of U.S. military prisoners.

(4) Memorandum from George W. Bush, President to Richard B. Cheney, Vice President et al., Humane Treatment of al Qaeda and Taliban Detainees (Feb. 7, 2002).

-In this memorandum from the President to his national security, President Bush says that the Geneva Conventions do not apply to the conflict with al Qaeda, and that Taliban detainees are not Prisoners of War.

(5) Memorandum from Jay S. Bybee, Assistant Attorney Gen., U.S. Dep't of Justice to Alberto R. Gonzales, Counsel to the President, Re: Standards of Conduct for Interrogation Under 18 U.S.C. §§ 2340-2340A (Aug. 1, 2002).

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\* The synopses that follow are quoted from Human Rights First, U.S. Government Memos on Torture and International Law, [http://www.humanrightsfirst.org/us\\_law/etn/gov\\_rep/gov\\_memo\\_intlaw.htm](http://www.humanrightsfirst.org/us_law/etn/gov_rep/gov_memo_intlaw.htm).

-In this memo, Mr. Bybee argues that only interrogation techniques which caused death or pain equal to that associated with organ failure constitute torture.

(6) Letter from John Yoo, Deputy Assistant Attorney Gen., U.S. Dep't of Justice to Alberto R. Gonzales, Counsel to the President, Interrogation Methods That do Not Violate Prohibitions Against Torture (Aug. 1, 2002).

-In this letter, Mr. Yoo argues that interrogation techniques used on al Qaeda detainees would not violate a 1984 international treaty prohibiting torture.

(7) Memorandum from Agent, Federal Bureau of Investigation to Legal Counsel, Federal Bureau of Investigation, Legal Analysis of Interrogation Techniques (Nov. 27, 2002).

-In this memo, an FBI agent at Guantanamo warns FBI legal counsel that many of the interrogation methods proposed on November 27, 2002 for use at Guantanamo violate the prohibition on torture.

(8) Memorandum from William J. Haynes, II, Gen. Counsel, U.S. Dep't of Def. to Donald Rumsfeld, Sec'y of Def., U.S. Dep't of Def., Counter-Resistance Techniques (Dec. 2, 2002) (containing authorization signature of Donald Rumsfeld with indication: "However, I stand for 8-10 hours a day. Why is standing limited to 4 hours?").

-In this memo, Secretary Rumsfeld first authorizes interrogation tactics for use at Guantanamo including stress positions, stripping and shaving prisoners, and using dogs to induce stress.

(9) Memorandum from Brigadier Gen., Kevin M. Sandkuhler, Staff Judge Advocate to CMC, U.S. Marine Corps to Mary L. Walker, Gen. Counsel, U.S. Dep't of the Air Force, Working Group Recommendations on Detainee Interrogations (Feb. 27, 2003); Memorandum from Major Gen. Thomas J. Romig, Judge Advocate Gen., U.S. Dep't of the Army to Mary L. Walker, Gen. Counsel, U.S. Dep't of the Air Force, Draft Report and Recommendations of the Working Group to Access the Legal, Policy and Operational Issues Related to Interrogation of Detainees Held by the U.S. Armed Forces in the War on Terrorism (Mar. 3, 2003); Memorandum from Major Gen. Jack L. Rives, Deputy Judge Advocate Gen., U.S. Dep't of the Air Force to Mary L. Walker, Gen. Counsel, U.S. Dep't of the Air Force, Comments on Draft Report and Recommendations of the Working Group to Access the Legal, Policy and Operational Issues Related to Interrogation of Detainees Held by the U.S. Armed Forces in the War on Terrorism (Feb. 6, 2003); Memorandum from Rear Admiral Michael F. Lohr, Judge Advocate Gen., U.S. Dep't of the Navy to Mary L. Walker, Gen. Counsel, U.S. Dep't

of the Air Force, Working Group Recommendations Relating to Interrogation of Detainees (Feb. 6, 2003); Memorandum from Rear Admiral Michael F. Lohr, Judge Advocate Gen., U.S. Dep't of the Navy to Mary L. Walker, Gen. Counsel, U.S. Dep't of the Air Force, Comments on the 6 March 2003 Detainee Interrogation Working Group Report (Mar. 13, 2002); Memorandum from Major Gen. Jack L. Rives, Deputy Judge Advocate Gen., U.S. Dep't of the Air Force to Mary L. Walker, Gen. Counsel, U.S. Dep't of the Air Force, Final Report and Recommendations of the Working Group to Access the Legal, Policy and Operational Issues Related to Interrogation of Detainees Held by the U.S. Armed Forces in the War on Terrorism (Feb. 5, 2003).

-In these six memorandums, military lawyers question DOJ and White House legal analysis supporting coercive interrogation methods and unlimited presidential powers.

(10) U.S. DEP'T OF DEF., WORKING GROUP REPORT ON DETAINEE INTERROGATIONS IN THE GLOBAL WAR ON TERRORISM: ASSESSMENT OF LEGAL, HISTORICAL, POLICY, AND OPERATIONAL CONSIDERATIONS (Apr. 4, 2003).

-In this report, military and civilian lawyers adopt earlier government memos' analysis of laws on interrogation and recommend 35 interrogation techniques.

(11) Memorandum from Donald Rumsfeld, Sec'y of Def., U.S. Dep't of Def. to Commander, U.S. Southern Command, Counter Resistance Techniques in the War on Terrorism (Apr. 16, 2003).

-In this memo, the Secretary of Defense outlines permissible interrogation techniques, based on the legal reasoning of Mr. Gonzales and others.

(12) Memorandum from Ricardo S. Sanchez, Lieutenant Gen., U.S. Dep't of the Army to Commander, U.S. Central Command, CJTF Interrogation and Counter-Resistance Policy (Sept. 14, 2003).

-In this memo, Lt. Gen. Sanchez, relying on Guantanamo interrogation guidance authorizes interrogation methods including stress positions, use of dogs, sleep deprivation and dietary manipulation.

(13) Memorandum from Jack Goldsmith, III, Assistant Attorney Gen., U.S. Dep't of Justice, to Alberto R. Gonzales, Counsel to the President, Re: Permissibility of Relocating Certain "Protected Persons" from Occupied Iraq (Mar. 19, 2004) (containing attached letter to William H. Taft, IV, Gen. Counsel, U.S. Dep't of State et al.).

-In this memo, Mr. Goldsmith argues that despite the Geneva Conventions' applicability, CIA could transfer prisoners out of Iraq secretly. This is the issue of "ghost detainees."

(14) Memorandum from Alberto J. Mora, Gen. Counsel, U.S. Dep't of the Navy to Vice Admiral Albert Church, Inspector Gen., U.S. Dep't of the Navy, Statement for the Record: Office of General Counsel Involvement in Interrogation Issues (July 7, 2004).

(15) Memorandum from Daniel Levin, Assistant Attorney Gen., U.S. Dep't of Justice to James B. Comey, Deputy Attorney Gen., U.S. Dep't of Justice, Legal Standards Applicable Under 18 U.S.C. §§ 2340-2340A (Dec. 30, 2004).

-In this memo, Mr. Levin provides a partially revised Department of Justice analysis of the August 1, 2002 memo on the legal obligations concerning interrogation and torture.

(16) LIEUTENANT GEN. MARK SCHMIDT & BRIGADIER GEN. JOHN FURLOW, ARMY REGULATION 15-6: FINAL REPORT, INVESTIGATION INTO FBI ALLEGATIONS OF DETAINEE ABUSE AT GUANTANAMO BAY, CUBA DETENTION FACILITY (Apr. 1, 2005).

-A military investigation into FBI allegations of abuse at Guantanamo Bay.