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## Cruel Science: CIA Torture and U.S. Foreign Policy

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*Alfred W. McCoy*

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*The roots of the recent Abu Ghraib prisoner-abuse scandal lie in CIA torture techniques that have metastasized inside the U.S. intelligence community for the past fifty years. A contradictory U.S. foreign policy marked by both public opposition to torture and secret propagation of its practice has influenced American response to UN treaties, shaped federal anti-torture statutes, and produced a succession of domestic political scandals.*

*After a crash research effort in the 1950s, the CIA developed a revolutionary new paradigm of psychological torture and then, for the next thirty years, disseminated it to allies worldwide. After September 11, the U.S. media created a public consensus for torture while the Bush administration launched a covert hunt for Al Qaeda — a campaign that included the CIA's distinctive method of psychological torture developed over forty years before.*

*Though seemingly less brutal, psychological torture is more problematic because it has potentially devastating domestic and international consequences.*

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In April 2004, the American public was stunned when CBS broadcast photographs from Abu Ghraib prison showing Iraqis stripped naked, blinded by bags, and contorted in humiliating positions while U.S. soldiers stood smiling.<sup>1</sup> As the scandal grabbed headlines around the globe, Secretary of Defense Donald Rumsfeld assured Congress the abuse was “perpetrated by a small number of U.S. military,” whom columnist William Safire soon branded “creeps.”<sup>2</sup> Other commentators, citing the famous Stanford prison experiment, attributed the abuse to a collapse of discipline by over-stretched American soldiers.<sup>3</sup>

However, these photos are snapshots, not of simple brutality or a breakdown in discipline, but of Central Intelligence Agency (CIA) torture techniques that have metastasized over the past fifty years like an undetected cancer inside the U.S. intelligence community. A close study of this half-century history leads, most immediately, to the conclusion that the CIA was the lead agency at Abu Ghraib, enlisting, as it often has, U.S. Army intelligence to support its mission. Indeed, these photographs from Iraq illustrate standard interrogation practice inside the global gulag of secret CIA prisons that have operated, on executive authority, since the start of the War on Terror. Thus, the seven soldiers facing courts-martial for the abuse at Abu Ghraib were simply following prescribed practices. Responsibility for their actions lies higher, much higher, up the chain of command.

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At a deeper level, this controversy over Abu Ghraib is a product of a contradictory U.S. policy toward torture evident since the start of the Cold War. At the UN and other international forums, Washington has opposed torture and advocated a universal standard for human rights, but the CIA has, in contravention of these same conventions, propagated torture during these decades. Several scholarly essays have noted this “ambiguity” in U.S. human rights policy without understanding the reason: a persistence of the torture prerogative within the intelligence community.<sup>4</sup> Moreover, the Agency’s attempt to conceal these programs from later executive and legislative review has required that it operate quasi-covertly in its own society through clandestine techniques such as disinformation and destruction of incriminating documents.

From 1950 to 1962, the CIA conducted massive, secret research into coercion and human consciousness that cost a billion dollars per annum.<sup>5</sup> After experiments with hallucinogenic drugs, electric shocks, and sensory deprivation, this research produced a new method of torture that was psychological, not physical, perhaps best described as “no touch torture.” The Agency’s discovery was a counter-intuitive breakthrough — indeed, the first real revolution in this cruel science in three centuries.

For over 2,000 years interrogators have found that mere physical pain, no matter how extreme, often produced heightened resistance or unreliable information. By contrast, the CIA’s psychological paradigm used two new methods, sensory disorientation and self-inflicted pain, to make victims capitulate. A week after the Abu Ghraib scandal broke, General Geoffrey Miller, U.S. prison commander in Iraq, offered an unwitting summary of this two-phase torture. “We will no longer, in any circumstances, hood any of the detainees,” the general said. “We will no longer use stress positions in any of our interrogations. And we will no longer use sleep deprivation in any of our interrogations.”<sup>6</sup>

“No touch torture” leaves deep psychological scars on both victims and interrogators. The victims often need long treatment to recover from trauma, and perpetrators can suffer a dangerous expansion of ego, leading to escalating cruelty and lasting emotional disorders. These procedures have led to unimaginable cruelties, physical and sexual, that were often horrific and only occasionally effective. Every gulag has its masters who take to the task with sadistic flair, abhorred by their victims and valued by their superiors.

Just as interrogators are often seduced by a dark, empowering sense of dominance over victims, so their superiors can succumb to the idea of torture as an all-powerful weapon of control. Among all the practices of the modern state, torture is the least understood, the least rational — one that seduces its practitioners, high and low, with fantasies of dominion. Our contemporary view of torture as aberrant and its perpetrators as abhorrent ignores its pervasiveness as a Western practice for over two millennia and the perverse psychological appeal of both its practice and practitioners. Once torture begins, its perpetrators, plunging into the uncharted recesses of culture and consciousness, are often swept away in reveries, frenzies of power and potency — particularly in times of crisis. “When feelings of insecurity develop within those holding power,” reads one CIA analysis of the Soviet state applicable to post-9/11 America, “they become increasingly suspicious and put great pressures on the secret police to obtain arrests and confessions. At such times, police officials are inclined to condone anything which produces a speedy ‘confession’ and brutality may become widespread.”<sup>7</sup>

Any modern state that sanctions torture, even in a very limited way, thus runs the risk of becoming increasingly indiscriminate in its application. Just four years after the CIA published its 1963 torture method for use against a few key counterintelligence targets, its agents were operating forty interrogation centers in South Vietnam that killed over 20,000 suspects and tortured several hundred thousand more. Just a few months after CIA interrogators began torturing top Al Qaeda suspects at Kabul in 2002, its agents were leading U.S. Army intelligence in the torture/interrogation of hundreds of Iraqi prisoners. As its most troubling legacy, the CIA's psychological method, with its legitimating scientific patina and avoidance of obvious physical brutality, has provided, for the past forty years, a pretext for the preservation of torture as an acceptable practice within the U.S. intelligence community.

Torture is so powerfully seductive that its perpetrators refuse, in defiance of evidence and rationality, to recognize its limited utility and high political cost. At least twice during the Cold War, the CIA's torture training would contribute to destabilization and de-legitimation of key American allies, Marcos and the Shah. Yet the Agency would not see that its psychological torture was destroying the allies it was designed to defend.

After codification in its "KUBARK Counterintelligence Interrogation" manual in 1963, the CIA disseminated its new torture method first through U.S.AID's Office of Public Safety (OPS) to police in Asia and Latin America and, after 1975, through the U.S. Army Mobile Training Teams active in Central America during the 1980s. Following a ten-year hiatus during the 1990s, the U.S. intelligence community, led by the CIA, revived the use of torture as a weapon against Al Qaeda in the War on Terror. These four decades explain the striking similarity in interrogation methods used by both American and allied security agencies in Vietnam in the 1960s, in Central America during the 1980s, and in Afghanistan and Iraq since 2001.

Indeed, much of the torture synonymous with authoritarian rule in Asia and Latin America seems to have originated in the United States. Though these dictatorships would no doubt have tortured on their own, U.S. training programs provided sophisticated techniques, new equipment, and moral legitimacy for the practice, producing a clear coincidence between U.S. Cold War policy and the extreme state violence of the authoritarian age. Torture spread globally with the proliferation of U.S. training programs and then receded when America turned resolutely against the practice with the end of the Cold War. In its pursuit of torturers across the globe for the past forty years, Amnesty International has been, in a certain sense, following the trail of CIA torture-training programs. In these same troubled decades, U.S. leadership in the global fight against torture and inhumanity has waxed and waned. After World War II, American diplomats played a central role in drafting the UN's Declaration on Human Rights and the Geneva Conventions on treatment of prisoners — documents that ban torture in both principle and practice. During the Cold War, however, Washington withdrew from active support of international human rights, ignoring or rejecting several major conventions.

At the close of the Cold War, Washington resumed its advocacy of universal principles, participating in the World Conference on Human Rights at Vienna in 1993 and, a year later, ratifying the UN Convention Against Torture.<sup>8</sup> On the surface, the United States had resolved the tension between its principles and practices. But, by failing 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, years later, in the Abu Ghraib prison scandal. In effect, the CIA's creation of torture techniques, through a somewhat confused, chaotic process, at the height of the Cold War created a covert capacity that the executive could deploy at times of extraordinary crisis, whether in South Vietnam in the late 1960s or Iraq in 2003.

In battling communism, the United States adopted some of its most objectionable practices — subversion abroad, repression at home, and torture. While other covert agencies synonymous with Cold War repression such as the Securitate, the Stasi, and the KGB have disappeared, the CIA, survives — its archives sealed, its officers decorated, and its crimes forgotten.

Even now, more than a decade after the Cold War's close, the American public has only a vague understanding of these CIA excesses and the scale of its massive mind-control project. Yet almost every adult American carries fragments of this past — LSD drug experiments, Vietnam Phoenix program, assassination attempts on Castro and Lumumba, murder of an American police adviser in Montevideo, and, of course, Abu Ghraib photographs. But few fit these fragments together. There is a willing blindness, a studied avoidance of a deeply troubling topic, akin to that which shrouds this subject in post-authoritarian societies.

Now, with the controversy over Abu Ghraib, incidents that once seemed isolated gain a new significance. They form a mosaic of a clandestine agency manipulating its government and deceiving its own citizens to propagate a new form of torture throughout the Third World. Those Americans willing to consider torture a necessary expedient in the War on Terror should pause to consider its powerful symbolism within Western culture. For nearly two millennia, torture's practice has been identified with tyrants and empires. For the past two centuries, its repudiation has been synonymous with the humanist ideals of the Enlightenment and democracy. For any modern state to compromise its majesty by willfully torturing even a few victims leaves a stigma profoundly corrupting of its integrity. More than any other act, torture can destroy the legitimacy of a regime or a ruler. During the Cold War the CIA's propagation of torture among U.S. allies soon delegitimated the very regimes it was designed to defend.

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### **Cold War and Human Rights**

In the decade after World War II, competing priorities within Washington's foreign policy produced a sharp contradiction between a public commitment to human rights and covert torture research. Meeting at New York in 1948, the United Nations' delegates, led by former first lady Eleanor Roosevelt, adopted the universal declaration on human rights — the foundation for later UN humanitarian conventions.<sup>9</sup> Among its many idealistic provisions, this covenant specified in Article 5 that “no one shall be subjected to torture or to cruel, inhuman, or degrading treatment.” But the declaration provided few specifics and no mechanism for enforcement.<sup>10</sup>

A year later, the United States ratified the Geneva Convention III Relative to the Treatment of Prisoners of War with similar prohibitions against torture. Article 13 states that “prisoners of war must at all times be humanely treated,” while Article 87 bars “corporal punishment, imprisonment in premises without daylight and, in general, any form of torture or cruelty.” Article 89 offers an unambiguous ban on harsh treatment, saying: “In no case shall disciplinary punishments be inhuman,

brutal or dangerous to the health of prisoners of war.”<sup>11</sup> Similarly, under Geneva Convention IV Relative to Protection of Civilian Persons in Time of War, the United States accepted the broad language of Article 31 that: “No physical or moral coercion shall be exercised . . . to obtain information from them or from third parties.”<sup>12</sup>

By the mid 1950s, a confluence of pressures, legislative and clandestine, led Washington to suspend its support for human rights. The founding of the UN had raised the threatening specter of “world government” for American conservatives, inspiring a movement in Congress for the “Bricker Amendment” that would limit executive authority over foreign affairs — a threat the Eisenhower administration defeated by suspending its support for human rights at the UN.<sup>13</sup> Less visibly, the CIA’s massive mind-control project may have created internal pressures dampening Washington’s support for human rights.

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## Two Thousand Years of Torture

Under the pressures of the Cold War, the CIA developed torture techniques that were a fusion of ancient and modern methods. Through basic research into human psychology in the 1950s, experimentation on human subjects in South Vietnam during the 1960s, and refinement in the 1970s, the CIA made what was arguably the most important modern advance in the practice of torture.

Through its use in judicial interrogation, torture played a central role in European law for over two millennia. While ancient Athens had limited torture to extraction of evidence from slaves, imperial Rome extended the practice to freemen for both proof and punishment. “By *quaestio* [torture] we are to understand the torment and suffering of the body in order to elicit the truth,” wrote the third-century jurist Ulpian. Ulpian also recognized that torture was a “delicate, dangerous, and deceptive thing,” often yielding problematic evidence. “For many persons have such strength of body and soul that they heed pain very little, so that there is no means of obtaining the truth from them,” he explained, “while others are so susceptible to pain that they will tell any lie rather than suffer it.”<sup>14</sup>

With the rise of Christian Europe, judicial torture faded for several centuries. Torture was antithetical to Christ’s teachings and Pope Nicholas I banned the practice.<sup>15</sup> But after a Church council abolished trial by ordeal in 1215, European civil courts revived Roman law with its reliance upon torture to obtain confessions — a practice that persisted for the next five centuries.<sup>16</sup> With the parallel rise of the Inquisition, Church interrogators also used torture for both confession and punishment, a procedure that was formalized under Pope Innocent IV in 1252. In Italy by the fourteenth century, the Inquisition used the *strappado* to suspend the victim from a beam with ropes in five degrees of escalating duration and severity — a scale preserved in modern memory by use of the phrase “the third degree” to mean harsh police interrogation.<sup>17</sup> The absolutist regimes of the sixteenth and seventeenth centuries employed torture. “Military torture was prodigious,” wrote Alec Mellor of sixteenth-century Europe, “religious torture was regularized; and judicial torture was enriched daily by new varieties.”<sup>18</sup>

But in the eighteenth century, free judicial evaluation of evidence replaced forced confessions, allowing the abolition of torture across Europe by the end of the century.<sup>19</sup> In the nineteenth century, moreover, modern European states replaced torture’s symbols — the Tower, Bastille, and public execution — with the apparatus

FIGVRA TORTVRAE THOLOSANAE.



**Strappado:** As described in a 16th century French manual, Inquisition interrogators, in Italy and elsewhere in Europe, used the “strappado” to examine heretics. Though there were many local variations, generally the victim’s arms were tied behind the back while ropes elevated the body for five stages, or degrees, of rising pain. As the length of this suspension extended to the “third degree” and beyond, weights were often tied to the victim’s feet, inducing insufferable pain. Though done today with a psychological twist, CIA interrogators have used a similar shackled suspension on Afghan detainees at the Agency’s Bagram Collection Point near Kabul since early 2002. (Joannes Millacus. *Praxis Criminis Persequendi*. [Paris: Prostant and Simonem Colinacum, 1541.] )

of a scientific criminology that included police, courts, and prisons. The respite proved short-lived for, in the years following World War I, rival authoritarian states — Hitler’s Third Reich and Stalin’s Soviet Union — revived the practice, applying modern methods to expand the diversity and intensity of physical pain.<sup>20</sup>

In the 1920s, torture thus reappeared in Europe as “an engine of the state, not of law.” After taking power in 1922, Italy’s dictator, Benito Mussolini, declared “man is nothing” and used his OVRA secret police to torture the enemies of his all-powerful state. Similarly, Hitler’s Gestapo engaged in limited, largely concealed torture during the regime’s first years, relying on protracted isolation, crude beatings, and humiliation to break political opponents, whether communist or gypsy, Catholic, or Jew.<sup>21</sup> Then, in June 1942, SS chief Heinrich Himmler ordered that interrogation would use a “third degree” of beatings, close confinement, and sleep deprivation. At the Dachau concentration camp in the late 1930s, SS doctors under Dr. Kurt Plotner tested mescaline on Jews and gypsies, finding it caused some to reveal their “most intimate secrets.” But the Gestapo “was not ready to accept mescaline as substitute for their more physical methods of interrogation.”<sup>22</sup> At war’s end, the United States prosecuted the so-called Nazi doctors at Nuremberg, producing principles known as the Nuremberg Code prescribing, under Article Four, that all medical experiments “should be so conducted as to avoid all unnecessary physical and mental suffering.”<sup>23</sup>

Despite the Third Reich’s defeat in 1945, its legacy persisted in the former occupied territories, notably among French officers who used torture in colonial Algiers. The 1955 Wullaume Report excused the army’s systematic torture of Algerian rebels saying: “The water and electricity methods, provided they are carefully used, are said to produce a shock which is more psychological than physical and therefore *do not constitute excessive cruelty* . . . . According to certain medical opinion, the water-pipe method . . . involves no risk to the health of the victim.” In contrast to this exculpatory approach, the classical scholar Pierre Vidal-Naquet argued, in his study of the French experience in Algeria, *Torture: Cancer of Democracy*, that public indifference to torture had the long-term effect of eroding a democratic society’s civil liberties.<sup>24</sup>

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## CIA Torture Research

America’s contact with torture came, ironically, through wars against its proponents. To fight fascism during World War II, the United States created the Office of Strategic Services (OSS), and then used it at war’s end to collect Nazi scientists who could assist its struggle against the Soviet Union — including those who had directed the Nazi’s experiments into human physiology and psychology. Under Operation Paperclip, the American agent Boris Pash recruited Nazi scientists such as the same Dr. Kurt Plotner, who had tested mescaline on Jewish prisoners. After the OSS was reborn as the CIA in 1947, the Agency continued Nazi-inspired experiments with LSD and THC for interrogation of suspected spies and double agents.<sup>25</sup> As the iron curtain came down across Europe in 1948, the human mind was becoming a key Cold War battleground.

From its founding in 1947, the CIA was disturbed by the Soviet ability to extract public confessions. In 1950, a CIA analysis of Stalin’s 1937 show trials of fellow communists found that “the style, context and manner of delivery of the ‘confessions’ were such as to be inexplicable unless there had been a reorganization



and reorientation of the minds of the confesseees.” Such changes, the analysis concluded, “cannot be brought about by the traditional methods of physical torture,” raising the disturbing possibility that the Soviets had discovered “newer or more subtle techniques,” including psycho surgery, shock method, or “psychoanalytic methods.” In late 1950, moreover, Edward Hunter, a CIA propagandist working undercover at the *Miami News*, aroused public hysteria about Chinese Communist “brain-washing.” A few years later, public confessions by American soldiers captured in Korea seemed to confirm this concern. “There is ample evidence,” reported the chief of CIA Medical Staff in 1952, “that the Communists were utilizing drugs, physical duress, electric shock and possibly hypnosis against their enemies. With such evidence, it is difficult not to keep from becoming rabid about our apparent laxity. We are forced by this mounting evidence to assume a more aggressive role in the development of these techniques.”<sup>26</sup>

In later testimony before the U.S. Senate, one CIA officer recalled that “we were literally terrified” by reports of Soviet experiments with LSD “because this was the one material that we had ever been able to locate that really had potential fantastic possibilities if used wrongly.”<sup>27</sup> The officer who had directed the Agency’s drug experiments, Dr. Sidney Gottlieb, said that “the impetus for going into the LSD project specifically rested in a report, never verified . . . , that the Russians had bought the world supply.”<sup>28</sup>

In response to this communist challenge, the CIA would spend several billion dollars over the next decade to probe two key aspects of human consciousness - the mechanisms of mass persuasion and the effects of coercion upon individual consciousness. This complex, at times chaotic, mind-control project, had two goals: improved psychological warfare to influence whole societies and better interrogation techniques for targeted individuals.<sup>29</sup> Gradually, these two strands diverged. Psychological warfare research explored mass persuasion through the U.S. Information Agency and the academic field of mass communication. By contrast, interrogation research, which probed the impact of drugs, electrical shock, and sensory deprivation upon individual psychology, moved inside the intelligence bureaucracy and into the laboratories of its medical allies.

U.S. national security agencies were determined to match their enemy weapon for weapon. “It is now clear that we are facing an implacable enemy whose avowed objective is world domination by whatever means,” read the Hoover report on government operations in 1954. “We must learn to subvert, sabotage, and destroy our enemies by more clear, more sophisticated, and more effective methods than those used against us.” Offering a prediction that proved, sadly, accurate, the report added: “It may become necessary that the American people will be made acquainted with, understand and support this fundamentally repugnant philosophy.”<sup>30</sup> If Moscow had the KGB, Washington would create the CIA; if Russian scientists manipulated human behavior, then their American counterparts must follow. After one hundred and fifty years without a clandestine service, the U.S. government passed the National Security Act in July 1947 creating both the National Security Council as a top-level executive agency and the CIA as its instrument — effectively removing foreign intelligence from congressional control.<sup>31</sup> In the Cold War crisis of the day, this act contained a brief clause allowing this new agency to perform “other functions and duties relating to intelligence affecting the national security” that the president, through the National Security Council, might direct — in effect, investing executive agents with extraordinary authority to operate outside the law,

whether for covert operations, assassinations, or torture.<sup>32</sup> Five months after the Agency's founding, the National Security Council (NSC) promulgated NSC 4-A, a "top secret" authorization for the CIA to conduct overt propaganda programs which "must be supplemented by covert psychological operations."<sup>33</sup>

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### **The Rise of MKUltra**

In retrospect, the CIA's mind-control research moved through two distinct phases: first, esoteric, often bizarre experiments with hallucinogenic drugs from 1950 to 1956; and then more conventional research into human psychology until 1963 when the Agency finally produced its basic interrogation manual.

In April 1950, CIA director Roscoe Hillenkoetter launched "Operation Bluebird" to discover more effective methods for interrogation by using teams with a psychiatrist, a polygraph expert, and a hypnotist. Under this project, Boris Pash, formerly employed in Operation Paperclip, reviewed Nazi studies of interrogation techniques including "drugs, electro-shock, hypnosis, and psycho-surgery." Bluebird also conducted the first CIA experiments with LSD, testing doses on twelve subjects before expanding the program to 7,000 unwitting U.S. soldiers at Maryland's Edgewood Chemical Arsenal.<sup>34</sup>

A year later, the Agency's Office of Scientific Intelligence started "Project Artichoke" to explore interrogation through "the application of tested psychiatric and psychological techniques including the use of hypnosis in connection with drugs." While Bluebird experimented on captured North Koreans, Artichoke used American subjects, notably seven patients at the U.S. drug treatment center in Lexington, Kentucky, who were kept on dangerous doses of LSD for seventy-seven days straight.<sup>35</sup> Although Project Artichoke used unwitting human subjects, the Agency imposed "medical and security controls which would ensure that no damage would be done to individuals volunteering."<sup>36</sup>

In April 1953, the CIA gathered this growing array of mind-control research into the MKUltra project within its Technical Services Division (TSD) under Dr. Sidney Gottlieb — who, in turn, reported to Richard Helms, the Assistant Deputy Director of Plans, a euphemism for covert operations. Helms would, for the next twenty years, protect behavior-modification research from internal review and external attack. Until its funding, totaling some \$25 million, was curtailed in 1963, MKUltra supervised one hundred forty-nine projects and thirty-three more sub-projects focused on control of human consciousness. The work continued at a reduced level until 1973 when then-CIA Director Helms, fearing a damaging exposé, terminated the project and destroyed its files.<sup>37</sup>

The MKUltra researchers were given extraordinary powers to probe the limits of human consciousness. At its outset, Helms proposed, and CIA Director Allen Dulles agreed, that 6 percent of the budget for TSD could be spent "without the establishment of formal contractual relations." Helms noted that key researchers "are most reluctant to enter into signed agreements of any sort which connect them with this activity since such a connection would jeopardize their professional reputations."<sup>38</sup> Helms ran the program covertly within the Agency, avoiding oversight by the CIA director, since he and his collaborators "felt it necessary to keep details of the project restricted to an absolute minimum number of people."<sup>39</sup>

Under MKUltra, the CIA's mind control project reached out into civil society, its universities and hospitals, to involve "physicians, toxicologists, and other specialists"

during both “the basic research phase” and later “intensive tests on human subjects.”<sup>40</sup> In a 1963 internal investigation, the CIA’s Inspector General found that the project’s initial “research and development” phase was structured to conceal “the interests of the CIA” from all but “key individuals.”<sup>41</sup> In the late 1950s, for example, respected researchers ran LSD experiments at Boston Psychopathic, Mt. Sinai, and Columbia University hospitals, reporting superficial results in medical journals and covert applications to the CIA.<sup>42</sup> Through this combination of basic university research and its own field tests, the CIA launched a serious, albeit covert, national effort to develop a new method of psychological torture.

Of the several billion dollars expended on this mind-control effort in the 1950s, the government allocated \$7 to \$13 million for academic research to leading universities channeling its support through private foundations, some legitimate and others fronts: the Ford Foundation, Rockefeller Foundation, and the Josiah Macy Foundation. One of the main CIA conduits for this research was the Bureau of Social Science Research (BSSR), which was established at American University in 1950. Albert Biderman’s *A Study for Development of Improved Interrogation Techniques* analyzed communist methods under an Air Force contract to find that psychological torture seemed “the ideal way of ‘breaking down’ a prisoner” because “the effect of isolation on the brain function of the prisoner is much like that which occurs if he is beaten, starved, or deprived of sleep.”<sup>43</sup>

Two respected neurologists at Cornell Medical Center in New York, Lawrence Hinkle and Harold Wolf, undertook a seminal study of communist interrogation done for the CIA’s TSD in 1956. In a sanitized version published in the *Archives of Neurology and Psychiatry*, the authors reported that successful communist interrogation relied, not upon esoteric “brain washing” with drugs or electro-shocks, but on standard “police practices” that the KGB had inherited from its czarist predecessor. After four weeks of “isolation, anxiety, lack of sleep, uncomfortable temperatures, and chronic hunger,” most Russian prisoners suffered “profound disturbances of mood” that made them willing to cooperate with their KGB interrogators. The KGB simply made victims stand for eighteen to twenty-four hours — producing “excruciating pain” as ankles double in size, skin becomes “tense and intensely painful,” blisters erupt oozing “watery serum,” heart rates soar, kidneys shut down, and delusions deepen. After seizing power in 1949, Chinese Communists adopted most of the Soviet procedures, though they employed manacles and leg chains no longer used by the KGB. Significantly, the authors found no reason to differentiate these non-violent KGB methods “from any other form of torture.”<sup>44</sup>

This Cornell report may have contributed to the Agency’s shift from the search for a miracle mind-control drug to the exploration of human psychology. Indeed, when the Agency’s two-stage torture method was finalized seven years later, it would follow many of the KGB’s tactics.

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### **CIA Behavioral Experiments**

The CIA’s MKUltra and allied projects spent some \$25 million from 1953 to 1963 to fund human experiments by 185 non-governmental researchers at eighty institutions, including forty-four universities and twelve hospitals.<sup>45</sup> At the outset, CIA director Allen Dulles stated “we have no human guinea pigs to try these extraordinary techniques.”<sup>46</sup> To overcome this critical shortage of human subjects, the Agency’s research adopted methods marked by cruelty, illegality, and, with

surprising frequency, failure.

To test drugs on unsuspecting subjects, the CIA injected North Korean prisoners, spiked drinks at a New York City party house, paid prostitutes to slip LSD to their customers for CIA cameras at a San Francisco safe house, and attempted behavior modification on inmates at California's Vacaville Prison. For "terminal experiments" that pushed to potentially fatal limits, the Agency trolled Europe for dubious defectors or double agents deemed "expendable."<sup>47</sup>

As a part of these early drug experiments, the CIA's chief scientist, Gottlieb, did his own LSD tests on unsuspecting subjects, once spiking the drinks of colleagues at a meeting in 1953. One of his fellow scientists, Dr. Frank R. Olson, suffered a mental breakdown and apparently jumped from the tenth floor of New York's Statler Hotel where the Agency had confined him for observation — a crime that the CIA covered up for the next twenty years by reprimanding Dr. Gottlieb quietly for "poor judgment" and reporting the death to the family as a "suicide." After the 1975 Rockefeller report into the CIA revealed that the death was induced by LSD, President Ford apologized to Olson's family, setting in motion release of classified CIA documents and a congressional payment of \$750,000.<sup>48</sup>

By 1956, these esoteric drug experiments had failed to produce useful results, and the Agency began to focus on psychology research, particularly innovative work being done in Canada. After several U.S.-UK-Canadian meetings to discuss Soviet mind-control in the early 1950s, Dr. Donald O. Hebb, former chair of Human Relations Research on the Canadian Defense Research Board, received a Canadian Defense grant of \$10,000 to study sensory deprivation. Using student volunteers at McGill University, where he was chair of Psychology, Dr. Hebb found that after just two to three days wearing headphones and wrapped in foam "the subject's very identity had begun to disintegrate." But when Parliament grumbled about such wasteful research, Canada's Defense Board canceled the funding and Hebb delivered his data to unidentified American contacts. As it happened, one of Dr. Hebb's colleagues in Psychiatry at McGill, Dr. Ewan Cameron, then president of the American Psychiatric Association, had claimed that he had been able to duplicate "the extraordinary political conversions . . . in the iron curtain countries," in one case "using sleeplessness, disinhibiting agents [drugs], and hypnosis."<sup>49</sup>

Starting in March 1957, CIA director Allen Dulles provided Dr. Cameron with funding for secret experiments on his patients at the Allan Memorial Institute in Montreal. Although the funds were laundered through a foundation, the CIA designated Dr. Cameron's research MKUltra Subproject 68 and placed it under Dr. Gottlieb's direct supervision. Between 1957 and 1963, approximately one hundred patients admitted to Allan Institute with moderate emotional problems became unwitting, often unwilling subjects. A young psychiatrist, Dr. Mary Morrow, who agreed to routine tests when she applied for a staff position was drugged and subjected to weeks of electro-shocks and sensory deprivation. A young housewife, Jeanine Huard, who had sought help for ordinary post-partum depression, became a subject for experimentation with drugs, electrical shock, and protracted sleep. In these CIA-funded experiments, Dr. Cameron used his patients to test a three-stage method for "deprogramming"— first, drug-induced coma for up to eighty-six days; next, electro-shock treatment to the brain three times daily for thirty days; and, finally, a football helmet clamped to the head for up to twenty-one days with a looped tape repeating messages such as "my mother hates me." In contrast to Dr. Hebb's six-day maximum of voluntary isolation, Cameron confined one patient,

known only as Mary C., in his sensory deprivation “box” for thirty-five days. At the end of his CIA funding in May 1960, Dr. Cameron told a U.S. Air Force conference that he had moved beyond Dr. Hebb’s earlier experiments with “self-imposed” sensory deprivation to discover that indefinite “strict sensory isolation,” with patients treated as prisoners, was “much more disturbing.”<sup>50</sup>

The Allan Institute’s follow-up study in 1967, three years after Dr. Cameron had resigned, found that 60 percent of the seventy-nine subjects who reached stage three of his depatterning still suffered persistent amnesia and 23 percent had serious physical complications. In 1980, after press exposés of CIA funding for Dr. Cameron, nine former subjects filed a civil suit against the Agency in Washington. Two litigants, Mary Morrow and Jeanine Huard, were still suffering from prosopagnosia, a brain disorder that blocks recognition of faces or common objects. After a Federal judge rejected a CIA motion to dismiss in 1988, the Agency settled out of court for \$750,000.<sup>51</sup>

The CIA pressed ahead with its research. Stripped of its bizarre excesses, Dr. Cameron’s experiments, building upon Dr. Hebb’s earlier breakthrough, laid the scientific foundation for the CIA’s two-stage psychological torture method. Cameron had found that initial sensory deprivation disoriented subjects, broke down their resistance, and made them susceptible to suggestion.<sup>52</sup> After these experiments, the CIA was ready to move beyond research to application. Most importantly, this research had convinced Agency scientists that “esoteric” methods with “drugs or mind-altering conditions” simply did not work. “By 1962 and 1963,” CIA psychologist Dr. John Gittinger later told the Senate, “the general idea we were able to come up with is that brain-washing was largely a process of isolating a human being, keeping him out of contact, putting him under long stress in relationship to interviewing and interrogation, . . . without having to resort to any esoteric means.”<sup>53</sup>

That same year, the CIA’s inspector general came across the super-secret MKUltra project in a routine audit and compiled a twenty-four-page report for the director condemning these experiments for putting “the rights and interests of all Americans in jeopardy.” The report noted that “research in the manipulation of human behavior is considered by many authorities in medicine . . . to be professionally unethical.” Significantly, he added, “some aspects of MKUltra raise questions of legality” within the CIA’s charter.<sup>54</sup> The inspector general was particularly critical of the program’s drug testing on unwitting subjects, since the agents were “not qualified scientific observers” and had no way of treating subjects who became seriously ill.<sup>55</sup> In response to the report, the CIA suspended MKUltra. But powerful backers such as Richard Helms objected, saying that “for over a decade Clandestine Services has had the mission of maintaining a capability for influencing human behavior” and warning that the suspension threatened the Agency’s “positive operational capability to use drugs.”<sup>56</sup>

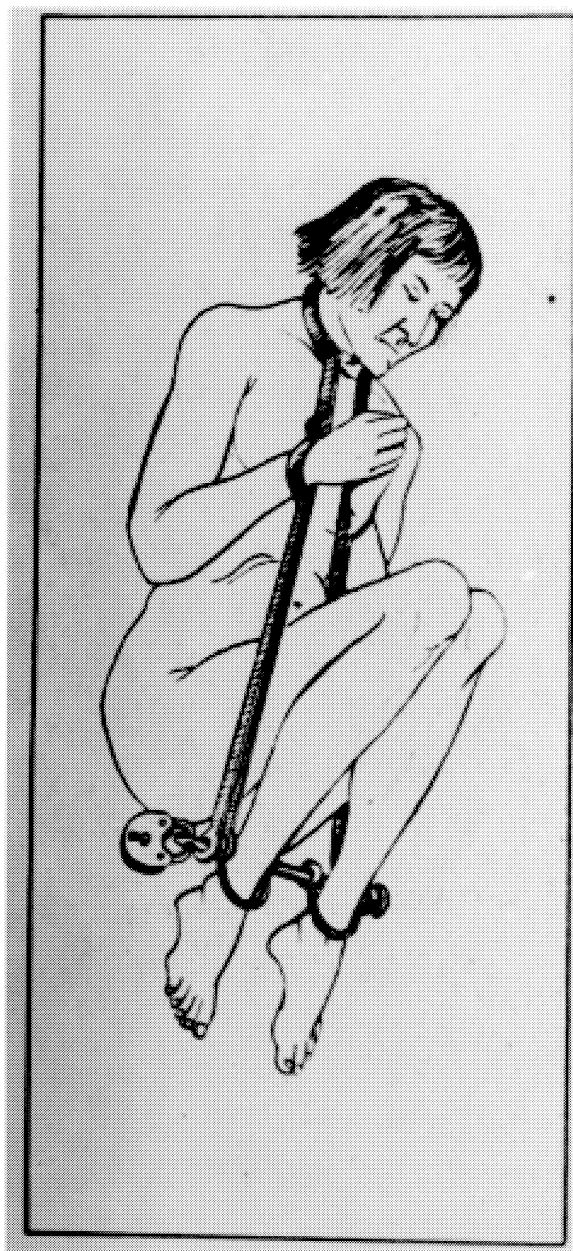
After more than a decade of research and field trials, the CIA issued a 1963 report, titled “KUBARK Counterintelligence Interrogation” — findings that would define the Agency’s interrogation methods and be propagated throughout the Third World for the next forty years. The report’s “fundamental hypothesis” is that successful interrogation, coercive and non-coercive, involves a “method of inducing regression of the personality to whatever earlier and weaker level is required for the dissolution of resistance and the inculcation of dependence.”

Thus, all interrogation techniques “are essentially ways of speeding up the process of regression.” In words that would echo in later CIA interrogation manuals,

KUBARK suggested non-coercive techniques involving “persistent manipulation of time, by retarding and advancing clocks and serving meals at odd times” would be “likely to drive him [the subject] deeper and deeper into himself, until he is no longer able to control his responses in an adult fashion.” The principal techniques for coercive interrogation were “arrest, detention, deprivation of sensory stimuli through solitary confinement, . . . threats and fear, debilitation, pain . . . , hypnosis, narcosis, and induced regression.” Citing Albert Biderman’s BSSR study on coercion approvingly, the KUBARK manual argued that “the threat to inflict pain . . . can trigger fears more damaging than the immediate sensation of pain.” Significantly, in assessing Biderman’s major research, *The Manipulation of Human Behavior*, KUBARK comments critically that its “contribution consistently demonstrates too theoretical an understanding of interrogation” and has “practically no valid experimentation.”<sup>57</sup> This deficiency, the lack of verifiable results from human subjects, would soon be resolved in Vietnam.

Through the KUBARK manual and its application in Asia and Latin America, the CIA developed a two-stage method of psychological torture designed to make victims cooperate with their interrogators. In the method’s first stage, interrogators employed simple, non-violent techniques to disorient the subject such as hooding or sleep denial. To intensify disorientation interrogators used attacks on personal identity, often involving sexual humiliation. To render their threats credible, interrogators would inflict physical pain through beatings, electric shock, or more elaborate methods. Once the subject was disoriented, interrogators could move on to a second stage, self-inflicted discomfort such as standing for hours with arms extended. In this latter phase, the idea was to make victims feel responsible for their own pain and thus induce them to alleviate it by capitulating.

Under actual field conditions, Agency and allied interrogators, whether out of simple cruelty or a need to accelerate the psychological breakdown, added physical methods reminiscent of the Inquisition’s trademark tortures. At the CIA’s center on Bagram air base near Kabul in 2002, American interrogators forced prisoners “to stand with their hands chained to the ceiling and their feet shackled” with an effect similar to the Italian Inquisition’s *strappado*. At Abu Ghraib Prison in late 2003, U.S. Military Police paraded Iraqi prisoners naked with plastic sandbags over their heads, combining psychological humiliation with the physical pain of restricted breathing — just as medieval victims were displayed in town squares with iron donkey masks clamped on their heads, suffering both “imagined ridiculousness” and “physical torture through obstruction of the mouth or the nose.” Yet Agency techniques did away with the old iron implements to make the pain feel self-inflicted. Although the Paris Inquisition’s “water question” and the CIA’s “water boarding” at Kabul both forced water down the throat to induce a sense of drowning, the Church sought to purge and punish while the Agency tried for psychological dominance. Instead of the Inquisition’s iron-framed “crippling stork” to contort the victim’s body, CIA interrogators made their victims assume similar “stress positions,” but without any external mechanism, again aiming for a psychological effect of self-induced pain.<sup>58</sup> For thirty years after completion of the KUBARK manual, the CIA would disseminate this method globally, working through overt US police and military training programs.



**Crippling Stork:** The Italian Inquisition used the “cripling stork,” constructed of iron, as a torture device to inflict physical pain through enforced immobility. Today, under the War on Terror, US interrogators, both CIA and Military Intelligence, use a similar technique called “stress position” with one significant difference. Since the victim holds the position without the external iron frame, the pain is self-inflicted and this venerable physical method becomes psychological. (Aldo Migliorini. *Tortura Inquisizione Pena di Morte*. [Italy: Lalli Editore, 1997.]

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## Vietnam & Human Subjects

From 1962 to 1974, the CIA worked through the Office of Public Safety (OPS), a division of U.S.AID that assigned public safety advisers to police in developing nations.<sup>59</sup> Established by President Kennedy in 1962, U.S.AID's public safety program grew, in just six years, into a global counter-insurgency effort with an annual budget of \$35 million and over four hundred U.S. police advisers worldwide. By 1971, the program had trained over a million policemen in forty-seven nations, including 85,000 in South Vietnam and 100,000 in Brazil.<sup>60</sup> CIA torture research would become evident as the Agency disseminated its psychological model to allied security agencies across the Third World — particularly in South Vietnam, Uruguay, Iran, and the Philippines.

To implement its new doctrine of “counter-insurgency,” the Kennedy administration formed a powerful, inter-agency Special Group (CI) whose members — General Maxwell Taylor, National Security Adviser McGeorge Bundy, CIA Director John McCone, and Undersecretary of State U. Alexis Johnson — could cut across bureaucratic boundaries to get the job done.<sup>61</sup> As a 1962 National Security Action memorandum indicated, “the President [Kennedy] desires that careful consideration be given to intensifying civil police programs in lieu of military assistance where such action will yield more fruitful results in terms of our internal security objectives.”<sup>62</sup> Even though “the police program is even more important than Special Forces in our global C-I effort,” said committee staffer Robert Komer in an April 1962 memo, the first problem was to find a “congenial home” for such a hybrid program.<sup>63</sup> The problem was how to expand U.S.AID's police program to serve as a cover for a more aggressive CIA internal-security effort among Third World allies.

The solution, apparently, was to expand the existing program within U.S.AID while simultaneously placing it under the control of CIA personnel — notably the program's head, Byron Engle.<sup>64</sup> During his decade as OPS chief, Engle recruited CIA personnel for the program and provided a close coordination with the CIA's intelligence mission.<sup>65</sup>

The hybrid nature of OPS allowed CIA field operatives a cover to disseminate new interrogation techniques. In South Vietnam, for example, Public Safety was incorporated into the Phoenix program in 1967 and trained Vietnamese police in what the chief adviser called “stringent wartime measures designed to assist in defeating the enemy.” At the provincial level, Vietnamese National Police Field Forces, trained by OPS, worked with CIA mercenaries in seizing civilians for interrogation.<sup>66</sup> In Latin America, the CIA used Public Safety to recruit local police for training at a clandestine center in Washington, International Police Services, that operated behind a blind provided by U.S.AID's International Police Academy (IPA). In its audit of OPS in 1976, the General Accounting Office (GAO) reported that “there were allegations that the [International Police] academy . . . taught or encouraged use of torture,” but its investigation did not support the allegations.<sup>67</sup>

But Amnesty International documented wide-spread torture, usually by police, in twenty-four of the forty-nine nations that had hosted OPS police-training teams.<sup>68</sup> Staffers for U.S. Senator James Abourezk (D-SD) also found evidence of torture training at the IPA by examining student graduation theses. In his 1968 essay, for example, Nickolas V. Fotinpfulos of Greece described “the psychological tactics and techniques of an effective interrogation of reluctant witness by means of instrumental aids or drugs.”<sup>69</sup> A year later, after devoting four pages of his



fourteen-page thesis to a history of European torture, Luu Van Huu of the South Vietnam Police summarized lessons learned, saying, “we have 4 sorts of torture: use of force as such; threats; physical suffering, imposed indirectly; and mental or psychological torture.”<sup>70</sup> In his 1971 paper, Le Van An of the South Vietnam Police defended torture, saying: “Despite the fact that brutal interrogation is strongly criticized by moralists, its importance must not be denied if we want to have order and security in daily life.”<sup>71</sup>

More broadly, the CIA worked through U.S. Public Safety advisers in Brazil and Uruguay, to provide local police with training and interrogation equipment. Through its field offices in Panama and Buenos Aires, the Agency’s TSD, the unit responsible for psychological research, shipped polygraph and electro-shock machines in diplomatic pouches to Public Safety offices across the continent.<sup>72</sup>

The Vietnam War was the ultimate test of the CIA’s mind-control program, allowing the Agency to overcome the shortage of human subjects that had slowed past research. Although OPS advisers had tried to transform Vietnamese police into an effective counter-insurgency force, it was clear by 1963 that they were failing. Arriving in Saigon in December, the CIA station chief, Peer DeSilva, recalled in his memoirs, “the Viet Cong were monstrous in their application of torture and murder.” Inspired by a doctrine of counter-terror, DeSilva began a campaign “to bring danger and death to the Vietcong functionaries themselves, especially in the areas where they felt secure.” This vision of an effective counter-terror, psychological and physical, launched the CIA on a path toward the Phoenix.<sup>73</sup>

After organizing South Vietnam’s Central Intelligence Organization (CIO), the CIA built the organization’s Saigon headquarters, the National Interrogation Center, in early 1964, and then assigned four Agency advisers to train the Vietnamese by interrogating the hundreds of prisoners confined inside its concrete walls. Within a year under DeSilva’s leadership, each of the forty-plus provinces in Vietnam had a Province Intelligence Coordination Committee and a concrete Provincial Interrogation Center (PIC) of its own. By 1965–66, the CIA had thus developed a nationwide intelligence-collection system that reached from the National Interrogation Center in Saigon down to the provincial PICs. The CIA sent “experts. . . most of whom had worked on Russian defectors” from its Technical Services Division to train the Vietnamese interrogators.<sup>74</sup>

The program expanded in 1967 when the CIA established a centralized pacification bureaucracy, *CORDS*, and drew the U.S. counter-insurgency operations into the unified Phoenix program — making Phoenix a secret war within the Vietnam war. In Saigon, the program used sophisticated computer information banks to centralize all data on the Vietcong infrastructure, identifying communist cadre for interrogation or elimination. In the countryside, Phoenix established the 146-man counter-guerrilla teams called Provincial Reconnaissance Units (PRU) attached to each of the CIA’s forty Provincial Interrogation Centers.<sup>75</sup>

After the PRU brought in suspected communists, PIC interrogators, under CIA supervision, tortured the alleged agents, often summarily executing them without trial or due process. Although many early recruits were well motivated, the PRUs began to attract social outcasts, including convicted criminals, who embraced their basic task, murder, by tattooing themselves “*Sat Cong*” (Kill Communists).

Phoenix and allied programs apparently allowed the CIA to continue its more extreme research into the effects of coercion on the human mind. No longer restricted to isolated drug trials or simulated psychology experiments, the CIA was

now operating a nationwide network of interrogation centers that used torture to generate intelligence. Under this program, the CIA gained a limitless supply of human subjects. In mid-1966, the Agency sent a Page-Russell electro-shock machine and three psychiatrists, two of its own staff and a private California practitioner, Dr. Lloyd H. Cotter, to conduct experiments at Bien Hoa Mental Hospital just north of Saigon. In effect, they were testing, under field conditions, whether Dr. Cameron's "deprogramming" could actually alter behavior. As he later wrote in the *American Journal of Psychiatry*, Dr. Cotter applied electro-convulsive treatment three times weekly and withheld food to force patients to work, finding himself "impressed" with the results. Meanwhile inside a walled compound on the hospital grounds, the two CIA doctors subjected one Vietcong prisoner to a dozen shocks the first day and sixty over the next seven days until he died. Two weeks later when the last prisoner died, the CIA men packed up their machine and flew home without fully breaking any of the Vietcong.<sup>76</sup>

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### **Congressional Investigations**

After nearly four years of secret operations, Congress and the press exposed the Phoenix Program in 1970. William Colby, a career CIA officer and chief of pacification in Vietnam, testified before the Senate Foreign Relations Committee that in 1969 Phoenix had killed 6,187 members of the 75,000 strong Vietcong Infrastructure (VCI). Although admitting some "illegal killings," Colby rejected Senator J. William Fulbright's suggestion that it was "a program for the assassination of civilian leaders."<sup>77</sup>

Despite mounting congressional opposition, in 1971 the U.S. command, according to a *New York Times* report, launched a pacification effort aimed at "neutralization" of 14,400 communist agents by killing or capture.<sup>78</sup> In the wake of this exposé, the House Operations Subcommittee conducted the first wide-ranging congressional probe of CIA pacification operations, finding that Phoenix had killed 9,820 Vietcong suspects in the past fourteen months. "I am shocked and dismayed," said Representative Ogden R. Reid. "Assassination and terror by the Vietcong or Hanoi should not, and must not, call forth the same methods by Saigon, let alone the United States, directly or indirectly."<sup>79</sup>

Several days later, William Colby told the committee that Phoenix had killed 20,587 Vietcong suspects since its inception in 1968.<sup>80</sup> When Representative Reid charged that Phoenix was responsible for "indiscriminate killings," Colby defended the program as "an essential part of the war effort" that was "designed to protect the Vietnamese people from terrorism." Though the CIA had started the program, the Agency, Colby explained, had already transferred the apparatus to the Vietnamese National Police so that it was now, in his words, "entirely a South Vietnamese program."<sup>81</sup> In these same hearings, a Military Intelligence veteran, K. Barton Osborn, who worked with the CIA's Phoenix program in 1967-68, described, "the insertion of the six-inch dowel into the six-inch ear canal of one of my detainee's ears and the tapping through the brain until he died. The starving to death of a Vietnamese woman who was suspected of being part of the local [Vietcong] political education cadre." He also recalled "the use of electronic gear such as sealed telephones attached to the genitals of . . . women's vagina and the men's testicles. . . and shock them into submission." During his eighteen months in the Phoenix program, not a single VC suspect survived CIA interrogation. All these

“extralegal, illegal, and covert” procedures were, Osborn testified, found in the *Defense Collection Intelligence Manual*, issued to him during his intelligence training at Ft. Holabird.<sup>82</sup>

As the Vietnam War wound down, public opinion, disturbed by impending defeat and reports of the CIA’s questionable role, created a climate for reform. In December 1974, *New York Times* reporter Seymour Hersh published a front-page story that the CIA’s “Operation Chaos” had conducted illegal mail interception and phone tapping against anti-war activists. In response to these revelations, President Gerald Ford appointed Vice President Nelson Rockefeller to investigate, and both houses of Congress formed special inquiries. Instead of stonewalling as Helms had done with the MKUltra files, Colby skillfully restrained these inquiries by feeding investigators just enough information to convince them that they were uncovering the truth.<sup>83</sup>

Not surprisingly, the Rockefeller Commission found that the CIA, in monitoring U.S. citizens, had done things that “should be criticized,” but concluded that the Agency had already reformed itself. Alone among these inquiries, the U.S. Senate Committee, led by Senator Frank Church, held hearings into CIA assassinations. But the author of a critical history of the CIA found that the Senate’s inquiries into MKUltra and subsequent torture training did not go beyond the anecdotal.<sup>84</sup> Two years later, Senator Edward Kennedy tried to repair this oversight with hearings into Dr. Olson’s death from LSD. But Dr. Gottlieb was granted an immunity from further prosecution in exchange for some “exceedingly obscure” testimony that blocked all subsequent prosecution.<sup>85</sup> Though the Senate hearings inspired four well-documented books on the CIA’s mind-control experiments, there has been no official investigation or criminal prosecution of culpable officials. “I thought in 1978 when our books were appearing, when we were doing media work all over the world,” recalled Alan Schefflin, author of *The Mind Manipulators*, “that we would finally get the story out, the vaults would be cleansed, the victims would learn their identities, the story would become part of history, and the people who had been injured could seek recompense. Instead, what happened was the great void.”<sup>86</sup>

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### **Our Man in Montevideo**

Although the Phoenix program was the largest CIA interrogation effort, it was OPS-sponsored police training in Latin America that prompted a Senate attempt to end U.S. torture training. Ironically, it was the murder of an American police adviser in Uruguay that exposed the OPS involvement in torture and contributed to that agency’s abolition.

The story broke in August 1970 when the *New York Times* reported an American police adviser, Dan A. Mitrione, had been kidnapped by Tupamaro guerrillas in Montevideo. The report described Mitrione as a family man from Indiana, and head of the U.S. Public Safety program in Uruguay aimed at encouraging “responsible and humane police administration.” In an inadvertent hint of Mitrione’s actual mission, the report added that he “unquestionably knew more about the Tupamaro operations than any other United States official.”<sup>87</sup>

In reporting Mitrione’s point-blank execution, the paper noted that Mitrione “was considered to have contributed materially to the Government’s anti guerrilla campaign.” Nonetheless, an accompanying editorial expressed the paper’s “shock and horror,” saying: “Only diseased minds could see in the gunning down of this

father of nine from Indiana the weakening of the capitalist system or the advancement of social revolution in the Americas.”<sup>88</sup>

Mitrione’s burial in Richmond, Indiana, was an emotional tribute to an American hero. Nine thousand people paid their respects. A cavalcade of 125 cars moved through a city decorated with black-bowed roses to the cemetery where Secretary of State William Rogers and President Nixon’s son-in-law David Eisenhower listened as the Uruguayan ambassador Hector Luisi warned that the “masterminds” of this crime would “reap the wrath of civilized people everywhere.”

Only days after this emotional funeral, the story of Mitrione’s mission began to emerge. A senior Uruguayan police official, Alejandro Otero, told the *Jornal do Brazil* that Mitrione had used “violent techniques of torture and repression.” On August 15, a U.S. Embassy spokesman in Montevideo called the charge “absolutely false.”<sup>89</sup> Eight years later, however, a Cuban double-agent, Manuel Hevia Cosculluela, who had joined the CIA and worked with Mitrione in Montevideo, published a book alleging that the American adviser had tortured four beggars to death with electrical shocks at a 1970 seminar to demonstrate his techniques for Uruguayan police trainees. “The special horror of the course,” Hevia added, “was its academic, almost clinical atmosphere. Mitrione’s motto was: ‘The right pain in the right place at the right time.’ A premature death, he would say, meant that the technique had failed.” Over drinks at his home, Mitrione once gave Hevia a summary of his methods that showed the influence of the CIA’s psychological paradigm: “He said he considered interrogation to be a complex art. . . . The objective was to humiliate the victim, separating him from reality, making him feel defenseless. No questions, just blows and insults. Then silent blows.” Significantly, the Cuban charged that Mitrione’s deputy in the Public Safety office was William Cantrell, a CIA agent.<sup>90</sup>

Only three months before Mitrione’s death, the unsettling coincidence of police torture and U.S. police training in Brazil finally raised questions, albeit muted, about torture in the U.S. Congress. In May 1971, the Senate Foreign Relations Committee summoned the chief U.S. Public Safety adviser for Brazil, Theodore D. Brown and scrutinized his program. Brown’s statement that OPS taught “minimum use of force, humane methods” sparked a dialogue that led to an affirmation by all, senators and police adviser alike, that America would not, could not train torturers. In his questioning of Brown, Senator Claiborne Pell (D-RI) had the uncommon insight to recognize the de-legitimizing impact of torture on the regimes it was designed to defend, asking “Why is it the Brazilians . . . use torture as a police method when it will alienate their friends and allies around the world?” Yet Pell also followed up with a question revealing the mistaken assumption that psychological torture was not really torture, asking, “But from a police viewpoint, you would agree that psychological, nonphysical methods of interrogation can be just as effective as the physical, as torture?”<sup>91</sup>

Four years after these denials and the hero’s funeral for Dan Mitrione, Congress investigated the Public Safety program and curtailed its operations. Led by Senator Abourezk, congressional investigators found widespread allegations that the program was training torturers within the Latin American police.<sup>92</sup> Congress, concerned about these persistent allegations of torture, finally cut all funds, effective July 1975, for “training or advice to police, prisons, or other law enforcement”— in effect, abolishing the Office of Public Safety. Many of the U.S.AID public safety officers soon found themselves disavowed, discredited, and unemployed.<sup>93</sup>

Though these reforms were well-intentioned, Congress had failed to probe for the source of the torture training. Although these investigations had exposed the CIA's mind control project, there was no public pressure to restrain the Agency's propagation of psychological torture. By the time Congress began investigating this office in 1971, the CIA had already stopped using it as a cover for its foreign agents, and shifted its torture training to the U.S. Army's Military Adviser Program (MAP).<sup>94</sup>

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## CIA and SAVAK

In the turmoil of the late 1970s, Iran showed the long-term instability fostered by U.S. tolerance of an ally's torture and human-rights abuse. After launching a coup in 1953 that restored the Shah to direct rule, the CIA, in the decades that followed, helped consolidate his control. By 1959, U.S. and Israeli advisers were involved in the reorganization of the "Iranian secret police." Most importantly, the CIA helped establish the Shah's main secret police unit, the Savak, and trained its interrogators.<sup>95</sup>

In 1962, for example, the Kennedy administration's top-level Special Group (CI), which included CIA director John McCone, approved \$500,000 in riot control equipment to expand the Iranian capital's contingent from 350 to 500 men.<sup>96</sup> Consequently, in early 1964, the U.S. State Department reported that "with the arrival of most of the AID-programmed riot-control equipment for the Tehran police," training was now starting that would allow the Gendarmerie "to deal with any likely and foreseeable civil disturbance in Tehran."<sup>97</sup>

Former CIA analyst Jesse Leaf recalled that senior agency officials had trained Savak in interrogation methods that "were based on German torture techniques from World War II." Although no Americans participated in the torture, Leaf recalled "people who were there seeing the rooms and being told of the torture. And I know that the torture rooms were toured and it was all paid for by the U.S.A."<sup>98</sup> As opposition to the Shah grew in the 1970s, Savak tortured dissidents cruelly and indiscriminately, fueling angry Iranian student protests in Europe and the United States against the brutality of the Shah's police and his detention of 50,000 political prisoners.<sup>99</sup> Defending his regime in an interview with *Le Monde*, the Shah spoke candidly: "Why should we not employ the same methods as you Europeans? We have learned sophisticated methods of torture from you. You use psychological methods to extract the truth: we do the same."<sup>100</sup> After the Shah fell from power in 1979, Savak's torture and the CIA's role were heavily publicized, both in Iran and the United States. One former CIA analyst told the *New York Times* that the Agency had sanctioned the torture.<sup>101</sup> Writing in *The Nation*, Iranian poet Reza Baraheni claimed that "at least half a million people have . . . been beaten, whipped, or tortured by Savak" — a cruelty that he illustrated with gruesome autopsy photos of mangled bodies, scabbed and scarred.<sup>102</sup>

The Islamic revolutionary government's prosecution of former Savak agents for torture and murder received extensive international coverage, including several reports in the *New York Times*. At his trial in June 1979, a former Savak interrogator, Bahman Naderipour, confessed in "excruciating detail" to years of "interrogation, torture, and killing." Despite such coverage, there was little public reaction in the United States to revelations about the CIA's ties to the Shah's brutal secret police. Yet Iran provided an important cautionary tale. By buttressing the

Shah's rule with riot police and ruthless interrogation, the CIA had unwittingly contributed to the rising opposition that eventually toppled his regime. After training his police, Washington underestimated the stigma attached to torture and stood by, confused, while the regime slowly lost legitimacy. The lesson was clear: Torture introduced to defend the Shah had helped discredit and destroy the Shah.

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### **Training Filipino Torturers**

In the slow unwinding of the Cold War in the mid 1980s, a democratic uprising in the Philippines toppled an entrenched dictator and plunged the country into four years of abortive coup attempts by a restive military. Though overlooked by the international media, this instability exposed the corrosive effect of the Agency's psychological torture paradigm upon allied armies trained in its techniques. The CIA had long tried to discourage simple brutality by allied agencies, but its psychological torture had, as the Philippines demonstrates, a more corrupting long-term impact upon perpetrators than its crude physical variant.

Under President Ferdinand Marcos (1972–86), torture became a key instrument in the maintenance of authoritarian rule. Marcos's rule had rested upon a theatrical terror. His military officers who administered this torture were not impersonal cogs in a military machine. They were actors who personified the violent capacities of the state. If the president had written a script of terror for his "new society," then these young officers were his players. When he ordered mass arrests of his political opponents, it was the military, particularly the young officers of the Philippine Constabulary, who carried out these orders and came to personify the violent capacity of Marcos's authoritarian state.<sup>103</sup>

After a decade of dictatorship, a group of middle-echelon officers, hardened by these extra-legal duties formed a clique called the Reform the Armed Forces Movement, or RAM, and then spent a decade plotting to seize state power. Led by officers who had been involved in torture, RAM plotted a *coup d'état* against Marcos in 1986 and, failing to take power, launched five more against his successor Corazon Aquino.

Within the Philippines, RAM represents, above all, a breakdown in military socialization. Most of its members were regular officers who had graduated from the Philippine Military Academy (PMA) during the 1970s. There, for four years, they were drilled in obedience and indoctrinated into a belief in civilian supremacy over the military. These future rebels graduated into Marcos's martial-law military and served as junior officers, often in the Philippines Constabulary, fighting a civil war in Mindanao or interrogating dissidents in Manila. Then, as torture and extra-judicial killings rose, they became the instruments of state terror. For them, torture proved transformative, freeing them from military socialization and inspiring a will to power.

Under Marcos, torture was usually more psychological than physical. Some of his officers proved innovative practitioners of psychological torture, using a theatrical variant that seemed lifted from a leaf in the CIA interrogation manuals. Indeed, these Philippine practices are so similar to CIA techniques that we must ask: Did the Agency train Marcos's interrogators?

There are indications that the answer may be yes. In 1978, a human rights newsletter reported that the regime's top torturer, Lieutenant-Colonel Rolando Abadilla, was studying at the U.S. Command and General Staff College, Fort

Leavenworth. A year later, another group claimed that his understudy, Lieutenant Rodolfo Aguinaldo, was going to the United States “for six months to one year for additional training under the Central Intelligence Agency.”<sup>104</sup> Were these officers given training in either tactical interrogation or torture?

Definitive answers must await release of classified documents. But as revealed by victims’ accounts, the methods of the Filipino interrogators, particularly the theatricality of the future RAM officers, seems similar to the spirit of the CIA interrogation manual technique.

A rural priest tortured by one of the future RAM leaders offers us the most acute insight into their methods. Arrested for subversion in October 1982, Fr. Edgardo Angleton was subjected to two months of constant interrogation before breaking down. In his confession, he admitted to being a communist agent and named his fellow clergy as subversives — charges that the Marcos regime seized upon to harass the Church.<sup>105</sup> Throughout his long confinement, the priest suffered only limited physical abuse and was instead psychologically terrorized by his chief interrogator, Lieutenant Colonel Herman Figueroa, a Philippine Constabulary commander who later became chairman of the RAM faction.

Only a week after his release, Fr. Angleton composed a twenty-five page memoir. Though damning himself as a “stinking coward” and “traitor” who broke under interrogation, his statement describes the theatricality of psychological torture. In his account, the cell becomes studio, the inquisitors actors, and the detainees audience for a psychological drama crueler than physical pain.

Most significantly, in Fr. Kangleon’s account, his 1982 interrogation seems drawn, in almost every detail, from the “Human Resources Exploitation Manual — 1983” that the CIA was using to train Honduran officers on the other side of the Pacific. As the manual recommends, the Filipino colonel enters with a thick file, maintains a controlling calm, starts with psychological rather physical techniques, and makes the shift to coercive methods seem the victim’s fault. As his underlings begin the physical phase of his interrogation, they speak not of simple brutality but a praxis they call “counter-terror.”

On his fifty-first night of detention, Fr. Kangleon was brought before Lieutenant-Colonel Figueroa, a name synonymous with terror on Samar Island. At the start, the colonel entered like an actor striding to center stage, carrying a prop signifying his role as inquisitor:<sup>106</sup>

The entry of the dreaded chief intelligence officer, who came in with a thick pile of documents, dashed to the ground the last bit of my hopes to get out of there [sic.] “unscathed.” His initial declaration: “Father, the general has decided that we start interrogating you tonight” was enough to unleash that fear that was building up inside me for these past two months. I felt cold sweat, sweat broke all over my body and I thought I was going to faint.

For several hours, predator and prey fenced around verbally, one sizing up the other. Questions were posed and answers of innocence were given. Suddenly the “chairman” changed his approach. He said that since I would not answer his questions without my lawyer’s presence, it would suffice if I would just give my biodata. And readily I fall for it. . . . I had fallen into a trap. I was already talking. Hastily, I tried to correct it by sticking to innocent or safe answers.

Sensing that I had caught up to what he was up to and, irritated with the futility of that encounter, Lt. Figueroa finally said: “Since you refused to cooperate, Father, we will be forced to use other means. We cannot allow ourselves to be taken for fools.”

At the colonel’s command, the priest was blindfolded before being taken to the

nearby offices of the Military Intelligence Group. There, Fr. Kangleon discovers a metaphor central to our understanding of these Filipino officers and their psychological torture:<sup>107</sup>

Inside I was made to sit on a stool. I felt a small table being placed in front of me. Then, I heard voices — new voices! Three or four of these voices — the more commanding ones — took their places around me. And with actors in their places, the most crucial stage of my detention started to unfold.

“Now, Father, you are going to answer our questions!”

“As the [communist] NPA utilizes terrorism, we are also willing to use counter-terror. . . . Every time you preached against us, I wished at that time to just shoot you there at the altar.”

“What’s the name of that sister you used to visit at the Sacred Heart College? She is your girlfriend, *ano*? You are fucking her? How does it feel? . . .

“For me, he is not a priest. Yes, your kind is not worthy of a respect of a priest.”

“OK, take off his shirt. Oh, look at that body. You look sexy. Even the women here think you are macho. You are a homosexual, *ano*?”

“Lets see if you are that macho after one of my punches.” A short jab below my ribs.

“Hey, don’t lean on the table. Place your arms beside you. That’s it.” Another jab.

“You, take that stool away from him.” I stood up. A blow landed behind my ears. I started to plead that they stop what they are doing to me. I started to cower. More blows.

“You better answer our questions or else you will get more of this.” With that, a short blow landed in my solar plexus.

I was already quaking with fear. The psychological and physical aspect . . . of my interrogation had finally taken its toll. I finally broke down. “Yes. Go call Ltc. Figueroa. I am now willing to cooperate.”

As Fr. Kangleon implies by calling the interrogators “actors,” his torture is a theater of humiliation. After blindfolding, stripping, and insulting the priest, the soldiers communicate their dominion by beating him, almost playfully, forcing him to assist in his own degradation. He is beyond the help of courts and the law.<sup>108</sup> And, in the end, as the CIA manual predicts, the priest capitulates and calls out the name of his torturer as his savior.

What is the impact of such torture upon the torturer? For a young lieutenant to degrade and dominate society’s leaders — priests, professors, and senior officers — may well induce a sense of mastery, even omnipotence. By breaking their superiors through psychological manipulation, these officers gained a sense of their society’s plasticity, fostering an illusion that they could break and remake the social order at will. Through their years of torturing priests and professors for Marcos, these officers learned the daring to attack Marcos himself. Clearly, their preference for psychological methods had important political consequences for the Philippines.

In the enclosed arena of the safe house, the future RAM officers played the lead in countless dramas of their own empowerment, rehearsing for a later moment on the national stage — a moment that brought six abortive coup attempts to the Philippines between 1986 and 1990. If this Philippine experience is any guide, the CIA’s psychological torture proved particularly damaging to any armed force that adopted it, breaking down military discipline and fostering political instability. As in Iran, torture’s complex psycho-pathology had led to its almost uncontrolled spread among the Philippine armed forces, corroding military discipline and contributing to the downfall of the regime it was designed to defend. Once again, the CIA ignored the long-term impact of its torture training and showed no cognizance of its role in destabilizing another key American ally.



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## CIA Torture Manual

At the height of the Cold War in the 1970s and 1980s, the CIA trained military interrogators in Latin America, propagating and legitimating the systematic torture that became the hallmark of the region's military dictatorships. In retrospect, it seems the CIA, denied access to Latin American police after the abolition of OPS in 1975, began working through U.S. military advisers to train the region's armed forces.

Though the Agency trained military interrogators across the continent, our knowledge of the actual torture techniques comes from a single document, the CIA's "Human Resources Exploitation Manual — 1983." After completing a training session for Honduran military interrogators in early 1983, an anonymous Agency instructor combined this field experience with the Agency's psychological paradigm to produce the most detailed statement of the CIA's interrogation methods.<sup>109</sup> Five years after the manual was written, a front-page *New York Times* exposé of Honduran military torture prompted a secret U.S. congressional inquiry that uncovered this document.

This 1983 manual provides indications of a clear continuity between CIA training in Latin America and the Agency's original 1963 KUBARK interrogation handbook. At the outset, this anonymous CIA instructor emphasizes that his manual will explain two types of "psychological techniques," the coercive and non-coercive. "While we do not stress the use of coercive techniques," the agent tells his Honduran students, "we do want to make you aware of them and the proper way to use them."<sup>110</sup> In his review of non-coercive techniques, the agent explains that they "are based on the principle of generating pressure inside the subject without application of outside force. This is accomplished by manipulating him psychologically until his resistance is sapped and his urge to yield is fortified."<sup>111</sup> Thus, when a questioner uses threats, "it should always be implied that the subject himself is to blame using words as, 'You leave me no other choice but to. . . .' He should never be told to comply or else."<sup>112</sup>

To establish control at the outset the questioner should, the CIA instructor continued, "manipulate the subject's environment, to create unpleasant or intolerable situations, to disrupt patterns of time, space, and sensory perception. The subject is very much aware that the 'questioner' controls his ultimate disposition." In these manipulations, "the number of variations in techniques is limited only by the experience and imagination of the 'questioner.'"<sup>113</sup> Among the many techniques that might spring from such an imagination, the subject should be arrested at a time selected to "achieve surprise and the maximum amount of mental discomfort," particularly, early morning when "most subjects experience intense feelings of shock, insecurity, and psychological stress,"<sup>114</sup> should immediately be placed in "isolation, both physical and psychological,"<sup>115</sup> should be "completely stripped and told to take a shower" while blindfolded before a guard,<sup>116</sup> and should be "provided with ill-fitting clothing (familiar clothing reinforces identity and thus the capacity for resistance)."<sup>117</sup> To convince the subject that much is already known and resistance is futile, the questioner should enter with a thick dossier, "padded with extra paper, if necessary, to give the illusion that it contains more data than is actually there."<sup>118</sup> If the subject proves resistant, then there are a "few non-coercive techniques which can be used to induce regression":<sup>119</sup>

- A. Persistent manipulation of time
- B. Retarding and advancing clocks

- C. Serving meals at odd times
- D. Disrupting sleep schedules
- E. Disorientation regarding day and night
- F. Unpatterned “questioning” sessions
- G. Nonsensical questioning
- H. Ignoring half-hearted attempts to cooperate
- I. Rewarding non-cooperation

Though the report’s overall approach is psychological, the CIA trainer points out that coercion still plays an important role in effective interrogation. “The purpose of all coercive techniques is to induce psychological regression in the subject by bringing a superior outside force to bear on his will to resist,” the CIA trainer explains. As coercion is applied, the subject suffers “a loss of autonomy, a reversion to an earlier behavioral level.”<sup>120</sup>

There are, the manual states, three basic coercive techniques — debility, disorientation, and dread. “For centuries,” the CIA trainer explains, “‘questioners’ have employed various methods of inducing physical weakness . . . [on the] assumption that lowering the subject’s physiological resistance will lower his psychological capacity for resistance.”<sup>121</sup> While disorientation can “destroy his capacity to resist,” sustained dread also “induces regression.”<sup>122</sup> Thus, the trainer explains: “The threat of coercion usually weakens or destroys resistance more effectively than coercion itself. For example, the threat to inflict pain can trigger fears more damaging than the immediate sensation of pain.”<sup>123</sup>

But even within the CIA’s psychological torture paradigm, such threats, even apparently those involving physical pain, must be both made and carried out. “Threat is basically a means for establishing a bargaining position by inducing fear in the subject,” the CIA trainer explains. “A threat should never be made unless it is part of the plan and the ‘questioner’ has the approval to carry out the threat.”<sup>124</sup> In his concluding sections, the CIA trainer reiterates his emphasis on the psychological over the crudely physical. “The torture situation is an external conflict, a contest between the subject and his tormentor,” he explains. While pain inflicted on the victim “from outside himself may actually intensify his will to resist,” pain that “he feels he is inflicting on himself is more likely to sap his resistance.”<sup>125</sup>

The success of these CIA techniques relies ultimately on the psychological empowerment of the interrogator. “Remember,” this CIA trainer told his Honduran students, “the ‘questioner’ always has the advantage in ‘questioning’ . . . He creates, modifies, amplifies, and terminates the subject’s environment. He selects the emotional keys upon which the ‘questioning’ will proceed. The subject is acutely aware that the ‘questioner’ controls his ultimate disposition.”<sup>126</sup> Significantly, the Agency did indeed warn that physical torture weakens the “moral caliber of the [security] organization and corrupts those that rely on it.” But the CIA missed an important point that would emerge, time and again, in Iran and the Philippines: psychological torture has a far more corrupting impact upon perpetrators than its physical variant.<sup>127</sup>

Only five years after the manual was written, a cover story in the *New York Times Magazine* exposed CIA training for Honduran torturers, producing another cycle of public shock and official indifference. As civil war intensified in Honduras during the late 1970s, the CIA brought in Argentine officers to train Honduran interrogators. “I was taken to Texas with 24 others for six months between 1979 and 1980,” Sergeant Florencio Caballero told the reporter. “There was an American

Army captain there and men from the CIA.” The chief Agency instructor was a “Mr. Bill” who had served in Vietnam. Sergeant Caballero recalled the American officers “taught me interrogation in order to end physical torture in Honduras. They taught us psychological methods — to study the fears and weaknesses of a prisoner. Make him stand up, don’t let him sleep, keep him naked and isolated, put rats and cockroaches in his cell, given him bad food, served him dead animals, throw cold water on him, change the temperature.”

One of those tortured by Sergeant Caballero’s unit, Ines Murillo, recalled her “psychological” interrogation at a secret prison near Tegucigalpa where her questioners “gave her raw dead birds and rats for dinner, threw freezing water on her naked body every half hour for extended periods and made her stand for hours without sleep and without being allowed to urinate.” Her “worst torturer” was Lieutenant Marco Tulio Regalado, another alumnus of the CIA’s Texas training program. Though American CIA agents visited these prisons and observed interrogations, it is not clear whether they knew of these excesses and tolerated them as an acceptable level of coercion. Though Sergeant Regalado said the “Americans didn’t accept physical torture,” the CIA backed the rise of Colonel Gustavo Alvarez Martinez, Honduran police commander, and his deputy Alexander Hernandez, even though a brother officer denounced them as death squad leaders in 1982.<sup>128</sup>

When the U.S. Senate’s Select Committee on Intelligence, responsible for legislative oversight of the CIA, met in closed session for hearings into the *New York Times* report, committee chair Senator David Boren (D-OK) stated CIA’s review of these allegations had uncovered several training manuals used in Central America. The techniques were in Boren’s view, “completely contrary to the principles and policies of the United States.”<sup>129</sup>

In his top secret testimony to the committee, Director for Operations, confirmed the essential accuracy of the *New York Times* story, saying that: “[Sergeant] Caballero did indeed attend a CIA human resources exploitation or interrogation course [excised] from February 8th to March 13th, 1983.”<sup>130</sup> Though this CIA trainer had written the interrogation manual after a 1983 training session in Honduras, the basic techniques, Stolz said, apparently referring to the KUBARK report, were “assembled back in March of 1964.”<sup>131</sup>

Suddenly, Senator Frank H. Murkowski (R-AK), reflecting Congress’s reluctance to explore these issues during the Cold War, interjected: “Mr. Chairman, I feel very uneasy about getting into these areas. I mean this is the report and we’re going through it . . . I really question the propriety. I mean, hell, there’s a million reports.” When Senator William S. Cohen (R-ME) objected that this was no mere press report but an actual CIA manual, Murkowski repeated, “I just want to note that this Senator feels very uncomfortable.”<sup>132</sup>

Deftly evading any discussion of past CIA research into interrogation, Deputy Director Stolz explained that in 1985 senior Agency officers had ordered revisions to this manual and related CIA training policies. The new text banned “interrogation which results in the use of force, mental or physical torture, demeaning indignities or exposure to inhumane treatment of any kind as an aid to interrogation.”<sup>133</sup>

But Senator Alan Cranston (D-CA) pointed out that the manual stated explicitly “there are times when you should use coercive methods.” Nonetheless, Stolz insisted that “we were not talking anything about the kind of coercive methods that was alleged” in the *New York Times* article. Stolz added, “we are talking about . . . sitting in a chair on a stool for a long period of time, some sensory deprivations,

sounds . . . and some techniques that while it might appear harsh were certainly not anything like what was alleged in the article.” Then, Senator Bill Bradley (D-NJ) launched into an aggressive cross examination of this CIA witness about the article’s accuracy, revealing the committee’s ignorance of the CIA’s long involvement in torture research and training.<sup>134</sup>

Senator Bradley: Denying sleep?

Mr. Stolz: Yes, there was some denied sleep.

Senator Bradley: Making them stand up?

Mr. Stolz: Yes.

Senator Bradley: So making him stand up, denying him sleep — keeping him naked?

Mr. Stolz: No. Definitely not.

Senator Bradley: Rats?

Mr. Stolz: No rats.

Senator Bradley: Where it says: the CIA taught us psychological methods, to study the fears and weaknesses of the prisoner, make him stand up, yes; don’t let him sleep, yes. Keep him naked and isolated —

Mr. Stolz: No.

Senator Bradley: Isolated?

Mr. Stolz: Well, yes — the answer is yes.

Senator Bradley: Naked no. Isolated yes.

Mr. Stolz: Right.

Senator Bradley: Put rats and cockroaches in the cell, no. Give him bad food?

Mr. Stolz: No. Bland food but not bad food . . .

Senator Bradley: Serve him dead animals.

Mr. Stolz: No.

Senator Bradley: Throw cold water on him.

Mr. Stolz: No, sir.

Senator Bradley: Changed the temperature?

Mr. Stolz: I don’t know the answer to that. That’s not impossible.

A moment later, apparently aware that he had stumbled on to something larger than a few training manuals, Senator Bradley interjected demanding to know, “who was in charge of all this? Prior to 1984?” Mr. Stolz’s four-line reply is blacked out.<sup>135</sup>

In a follow-up question, Senator Cohen, revealing the committee’s ignorance of the CIA’s long history of torture research, said, “I am not sure why in 1983 it became necessary to have such a manual.” More pointedly, Cohen asked “why the word questioning is always in quotes in the manual itself,” and suggested that the CIA might be “sending subliminal signals that say this [coercion] is improper, but by the way, you ought to be aware of it.” Nonetheless, the senator, seemingly unaware that Stolz had lied to conceal the CIA’s long history of torture research, praised the Agency for being “most cooperative.” In his closing remarks, Stolz assured the senators the CIA’s Inspector General would conduct a prompt review of these allegations — a report that, if completed, has not been released.<sup>136</sup>

Although the country’s leading newspaper had published a detailed report of CIA torture training, Congress was, as this committee demonstrated, unwilling to expose the Agency’s human rights violations. Under the pressures of the Cold War, CIA torture training had again eluded serious reform.

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## **After the Cold War**

Although the United States was tacitly tolerant of torture by its allies during the

Cold War, the international community worked to oppose this abuse by police and military across the Third World. As military regimes using systematic torture proliferated, the international community reacted with treaties to ban the practice and therapy to treat its victims. In 1972, Amnesty International, realizing the limitations of its lawyerly practices of documentation and petition, appealed to the medical profession for support. A group of Danish doctors responded by examining Greek and Chilean refugees for “forensic medical evidence about the after-effects of torture,” discovering a pernicious form of post-traumatic stress disorder. “When you’ve been tortured,” explained one of the Danish researchers, Dr. Inge Genefke, “the private hell stays with you through your life if it’s not treated.” But the victims did respond well to therapy. These discoveries inspired, in 1982, the foundation of Copenhagen’s Rehabilitation and Research Centre for Torture Victims (RCT). Within a decade, the RCT built a network of ninety-nine treatment centers in forty-nine countries, and pioneered a therapy that treated 48,000 victims in 1992.<sup>137</sup>

These efforts broadened medical understanding of torture and built international support for its abolition. In December 1984, the UN General Assembly adopted the Convention against Torture. Significantly, this Convention, under Article 1, defined torture broadly as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purpose as obtaining from him or a third person information or a confession.”<sup>138</sup>

After the UN General Assembly adopted the Torture Convention by a unanimous vote, creating enormous international pressure for compliance, President Ronald Reagan sent it to Congress in 1988 with a ringing invocation of “our desire to bring an end to the abhorrent practice of torture.” Simultaneously, however, the administration proposed a record nineteen reservations that stalled the convention’s ratification in the Senate for the next six years.<sup>139</sup> Significantly, among these nineteen reservations, the Reagan administration focused, above all, on the issue of psychological torture. As Assistant Attorney General Mark Richard explained, both State and Justice found an “unacceptable level of vagueness” in the convention’s definition of mental pain. To correct this vagueness, the State Department drafted a four-part definition of psychological torture as “prolonged mental harm caused by (1) the intentional infliction or threatened infliction of severe physical pain or suffering; (2) the administration . . . of mind-altering substances.; (3) the threat of imminent death; or (4) the threat that another person will imminently be subjected to death . . . or other procedures calculated to disrupt profoundly the senses or personality.”<sup>140</sup> Significantly, this narrow definition excluded sensory deprivation (hooding), self-inflicted pain (stress positions), and disorientation (isolation and sleep denial) — the very techniques the CIA had refined at such great cost over the past forty years.

Why this impassioned concern about a single word, “mental,” in a UN convention that covers twenty-six printed pages? Was this objection a response to some conservative ideological concern, or, more likely, the result of CIA maneuvering through State and Justice to protect its psychological torture from legal sanction? Whatever the cause, the State Department’s four-part definition did, if narrowly interpreted, exempt the CIA’s two-phase psychological method from the UN Torture Convention, as recognized and ratified by the United States. Once drafted, this narrow definition of torture would soon find its way, verbatim, into two later U.S. criminal laws and thus become the basis for Washington’s policy on prisoner interrogation during the War on Terror fifteen years later.

With the end of the Cold War the United States resumed its active participation in the international human rights movement. In 1991, Congress passed the U.S. Protection for Victims of Torture Act to allow civil suits in U.S. courts against foreign perpetrators who enter American jurisdiction — adopting the same narrow definition of “mental pain” the State Department had drafted in 1988.<sup>141</sup> Three years later, Congress finally ratified the UN Torture Convention by amending the U.S. Code, under Section 2340-2340A, to make torture, as narrowly re-defined by the Reagan administration in 1988, a crime punishable by twenty years’ imprisonment.<sup>142</sup> And, at the 1993 Vienna Human Rights conference, Washington resumed its vigorous advocacy of a universal standard, opposing China and Indonesia’s idea of exceptions for “regional peculiarities.”<sup>143</sup>

Capping this process three years later, President Clinton announced that he was “pleased to sign into law” the War Crimes Act of 1996 as “an important reaffirmation of American leadership in the development of law for the protection of victims of war.” Indeed, this law provides that any American, civilian or military, who “commits a grave breach of the Geneva Conventions,” including all later protocols ratified by the United States, shall be punished by imprisonment or even the death penalty “if death results to the victim.”<sup>144</sup>

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## Media & Memory

As the Cold War ended, public advocacy of human rights and official secrecy over their violation, collided in press revelations over torture training at the School of the Americas, a training facility for Latin American officers operated by the U.S. Army in Panama since 1949.<sup>145</sup> As part of the U.S. withdrawal from Panama, the School moved to Ft. Benning, Georgia in 1984.<sup>146</sup> As the Cold War waned and the press began to report on U.S. torture training in Central America, critics charged the School with making torturers and called for its abolition.

Reacting to these allegations, the Defense Department launched a formal investigation, which indicates that the CIA’s mind-control research permeated the national security establishment and had been transmitted to military forces in Latin America. In March 1992, the Assistant Secretary for Intelligence Oversight informed the Secretary of Defense that a review of his department’s training had found seven intelligence manuals, compiled in the mid 1980s that “contained material that either was not or could be interpreted not to be consistent with U.S. policy.” U.S. Army Mobile Training Teams had used these manuals, all written in Spanish, in five Latin American nations from 1987 to 1989, and U.S. Army instructors used them to train soldiers from ten Latin American countries at the School of the Americas from 1989 to 1991.

The handbook on “Handling of Sources” was clearly influenced by the CIA’s psychological paradigm. Reflecting the CIA’s early mind control experiments, this handbook recommended use of drugs and hypnotism during interrogation. Indeed, the assistant secretary’s report stated that these seven manuals “were based in part, on material dating back to the 1960s from the Army’s Foreign Intelligence Assistance Program, entitled ‘Project X.’”

This report indicates that the Defense Department had somehow lost control of its Latin American program, and army trainers were operating in clear violation of U.S. military regulations. Had the CIA detached officers from the normal chain of command and integrated them into a covert program that used the Agency’s standard

extra-legal procedures? Significantly, the assistant secretary noted: “It is incredible that the use of the lesson plans since 1982, and the manuals since 1987, evaded the established system of doctrinal controls.” Interviews with army intelligence personnel who had used these manuals found that they were under the false impression that regulations on “legal and proper” interrogation “were applicable only to U.S. persons and thus did not apply to the training of foreign personnel.” As a corrective, the assistant secretary’s office had tried to recover all copies of these manuals from Latin American governments and recommended that all so recovered “should be destroyed.”<sup>147</sup>

Eight years after the Cold War’s end, the CIA’s torture training was finally exposed to public scrutiny. In January 1997, the *Baltimore Sun*, *Washington Post*, and *New York Times* published extracts from the CIA’s “Human Resources Exploitation Manual — 1983,” describing it as the latest edition of a thousand-page manual distributed to Latin American armies for twenty years. Under the damning headline “Torture Was Taught by CIA” the story began: “A newly declassified CIA training manual details torture methods used against suspected subversives in Central America during the 1980s, refuting claims by the Agency that no such methods were taught there.”<sup>148</sup>

Though the descriptions of torture were chilling, the public reaction was muted. At the peak of the longest economic boom in the nation’s history, Americans were generally content. Citizens and civic groups were silent. Editorials did not call for investigation. Congress did not react. The CIA’s budget continued to grow.

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### **Torture Debate After 9/11**

In the ten-year hiatus between the last known use of CIA torture manuals in the early 1990s and the questioning of Al Qaeda suspects after September 2001, torture has been handled by allies. This second-hand torture was evident at Manila in 1995, for example, where Philippine National Police, working with the CIA, discovered plans for a wave of trans-Pacific aircraft bombings. As the successor to the Philippine Constabulary, the PNP had ties to the CIA dating back to the 1960s, including some exposure to the Agency’s torture training.

In the post-9/11 American media, this incident, recounted in a very particular way, was cited over and over to justify the use of torture. Its significance makes it worth recounting in some detail. In a security sweep before the Pope’s 1995 visit, Manila police found bomb-making materials in the apartment of an Arab tourist, Abdul Hakim Murad. For two days, Murad “taunted his captors” at PNP Intelligence Command until police, “racing for time” to protect the Pope, did “what they did best to a prisoner at crunch time.” After weeks of physical and psychological torture by beating, water boarding, “lighted cigarettes to his private parts,” and threats of rape, all while blind-folded, Murad supposedly cracked and confessed to a plot to blow up eleven trans-Pacific aircraft and kill 4,000 passengers and crew. Although advised of the arrest, U.S. Embassy officials delayed extradition for months while, as one Filipino officer put it, “we did the dirty job for them.” After three months in the hands of Filipino police, Murad was finally sent to New York to face trial for his role in the 1993 World Trade Center (WTC) bombing.<sup>149</sup>

In the public debate after the September 2001 attacks on the WTC, this Manila incident, with certain key facts omitted, would be cited time and again to support a growing consensus for torture. In October, the *Washington Post* reported FBI

frustration with four suspected terrorists arrested after 9/11. “We’re into this thing for 35 days and nobody is talking,” said a senior FBI official, adding that, “frustration has begun to appear.” With surprising frankness, the agent admitted that the FBI was considering torture: “We are known for humanitarian treatment. . . . But it could get to that spot where we could go to pressure . . . where we won’t have a choice, and we are probably getting there.” One “law enforcement official” suggested suspects be extradited to Morocco where, of course, King Hassan’s CIA-trained interrogators were notorious for their tortures.<sup>150</sup> A week later, the *Los Angeles Times* reported serious discussion of torture in U.S. intelligence circles. “A lot of people are saying we need someone at the agency who can pull fingernails out,” said one thirty-year CIA veteran. “Others are saying, ‘Let others use interrogation methods that we don’t use.’ The only question then is, do you want to have CIA people in the room.”<sup>151</sup>

These musings inside the intelligence community inspired support for torture by media commentators across the political spectrum. Writing in the *Wall Street Journal*, historian Jay Winnick, twisting the facts of Murad’s Manila torture to portray the results as timely and valuable, asked: “What would have happened if Murad had been in American custody?”<sup>152</sup> In *Newsweek*, columnist Jonathan Alter wrote: “In this autumn of anger, even a liberal can find his thoughts turning to torture.” Citing the Filipino success with Murad he added, “some torture clearly works.” Alter advocated psychological torture or transfer of suspects to “our less squeamish allies.”<sup>153</sup> When a panelist on PBS Television’s “McLaughlin Group” asked fellow columnists where they would send Al Qaeda suspects for torture, *National Review* editor Rich Lowry bellowed, “The Turks!” Host John McLaughlin shouted out, “The Filipinos!”<sup>154</sup>

Adding gravitas to this media swagger, Harvard Law professor Alan M. Dershowitz, writing in the *Los Angeles Times*, argued that judges should be allowed to issue “torture warrants” for “non-lethal pressure” in a “ticking bomb” case when “a captured terrorist who knows of an imminent large-scale threat refuses to disclose it.” Elaborating these views in a book several months later, Dershowitz cited the “lifesaving information” that Manila police beat out of Murad to argue that torture can sometimes “prevent harm to civilians.”<sup>155</sup> Reviewing the book for the *New Republic*, U.S. Judge Richard A. Posner cited this “telling example” from Manila to argue that civil liberties are no more than a “point of balance between public safety and personal liberty.” When the balance is tipped by a ticking nuclear bomb in Times Square, then, the judge ruled, “torture should be used.”<sup>156</sup> But Dershowitz’s Harvard colleague Philip B. Heymann, a former deputy U.S. Attorney General, challenged this chimera of limited, judicially controlled torture, saying judges would prove indiscriminate and “torture will spread,” compromising worldwide “support for our beliefs.”<sup>157</sup> Does the public silence that greeted this media chatter indicate that the American people condone torture in the War on Terror?

But this enthusiasm for harsh methods was based on misinformation and ignorance of the complex psycho-pathology of torture. In fact, as the *Washington Post* reported in the midst of this media debate, Manila police got all important information from Murad in the first few minutes when they seized his laptop with the bomb plot and evidence that led the FBI to WTC bomber Ramzi Ahmed Yousef in Pakistan. Most supposed details gained from the sixty-seven days of torture that followed were, as one Filipino officer testified in New York, police fabrications that Murad mimed to end the pain.<sup>158</sup> In weighing personal liberty versus public safety,



FIG. TORTVRAE GALLICAE ORDINARIAE.



**Water Torture:** As described in a 16th century French manual, interrogators using the “water torture” or “question de l’eau,” placed a piece of cloth over the victim’s mouth and nose. Water was then poured into the mouth, forcing the cloth down the victim’s throat, making breathing impossible, and creating a psychological effect akin to drowning. With surprisingly little variation, CIA interrogators today use this same, essentially psychological technique, now called “water boarding,” in the Agency’s global gulag of secret prisons operating under the War on Terror. (Joannes Millacus. *Praxis Criminis Persequendi*. [Paris: Prostant and Simonem Colinacum, 1541.]

all these “pro-pain pundits” were ignorant of torture’s complexly perverse psychopathology that leads to both uncontrolled proliferation of the practice and long-term damage to the perpetrator society. In advocating torture, moreover, these American pundits seemed utterly unaware of the CIA’s long history of torture and thus had no inkling that they were reactivating a ruthless apparatus that had only recently been restrained.

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### **The CIA Gulag & Abu Ghraib**

While the public debated, the Bush administration was moving quickly to make torture Washington’s secret weapon in the War on Terror. On September 11, 2001, right after his evening address to a shaken nation, President George W. Bush gave his White House counter-terrorism staff wide latitude for retribution, saying “any barriers in your way, they are gone.” When Defense Secretary Donald Rumsfeld interjected that there were legal restraints on such action, the president shouted back, “I don’t care what the international lawyers say, we are going to kick some ass.” Indeed, two months later on November 13, the president ordered detention of Al Qaeda suspects under “such other conditions as the Secretary of Defense may prescribe” and denied these detainees access to any court, whether U.S. or international.<sup>159</sup>

According to a *Newsweek* investigation, conservative administration lawyers soon translated their president’s directive into U.S. policy. In late 2001, the Justice Department gave the CIA a narrow interpretation of the UN anti-torture convention that sanctioned use of “sleep deprivation . . . and deployment of ‘stress factors’” for interrogating Al Qaeda suspects — as long as it did not reach “severe physical or mental pain.” On January 9, 2002, John Yoo of the Justice Department’s Office of Legal Counsel wrote a forty-two-page memo arguing that the Geneva Conventions did not apply to the Afghanistan conflict, sparking a strong rebuttal from the State Department. “In previous conflicts,” wrote State’s legal adviser William H. Taft IV, “the United States has dealt with tens of thousands of detainees without repudiating its obligations under the Conventions.”<sup>160</sup> On January 11, as the first captives from Afghanistan arrived at the Pentagon’s Guantanamo detention center in Cuba, Secretary Rumsfeld denied them legal status as prisoners of war, saying, “Unlawful combatants do not have any rights under the Geneva Convention.”<sup>161</sup>

Similarly, on January 18, 2002, White House legal counsel Alberto R. Gonzales informed President Bush that the Justice Department “had issued a formal legal opinion concluding that the Geneva Convention III on the Treatment of Prisoners of War (GPW) does not apply to the conflict with Al Qaeda.” That same day, the president decided that “the war against terrorism is a new kind of war” that “places a high premium on . . . the ability to quickly obtain information from captured terrorists . . . to avoid further atrocities against Americans.” Accordingly, Bush ordered that the Geneva Convention “does not apply to al Qaeda and the Taliban” and their members “are not prisoners of war” under the Convention.<sup>162</sup>

Four days later, on January 22, Assistant Attorney General Jay S. Bybee sent counselor Gonzales a detailed, thirty-seven page legal road map for practicing harsh interrogation without legal complications, arguing that “neither the federal War Crimes Act nor the Geneva Conventions would apply to the detention conditions of al Qaeda prisoners.” More importantly, Bybee added that the president has “the plenary constitutional power to suspend our treaty obligations toward Afghanistan

during the period of the conflict.” Significantly, on February 2, the administration’s top lawyers, with the exception of State and the Joint Chiefs, approved Justice’s position that the Geneva Conventions did not apply to the Afghan war. This same memo noted, in the words of the *New York Times*, that the CIA had “asked for an explicit understanding that the administration’s public pledge to abide by the spirit of the conventions did not apply to its operatives.”<sup>163</sup>

Responding to a strong protest over the decision to waive the Geneva Convention from Secretary of State Colin Powell, counselor Gonzales advised the president that “this new paradigm renders obsolete Geneva’s strict limitations on questioning of enemy prisoners and renders quaint some of its provisions.” The president’s formal waiver of the Convention, Gonzales continued, “substantially reduces the threat of criminal prosecution under the [US] War Crimes Act,” particularly for violations of Geneva’s ban on “outrages against personal dignity” and “inhuman treatment.”<sup>164</sup> But Secretary Powell, after warning that setting aside the Conventions would “have a high cost in terms of negative international reaction” and “undermine public support among critical allies,” won a very partial victory on February 7 when the White House announced Geneva would apply to the Afghan war but not to its Taliban or Al Qaeda prisoners, a large loop-hole that would allow torture. The next day, Secretary Rumsfeld reiterated his position, in a Pentagon briefing, that “the current war on terrorism is not a conflict envisioned by the framers of the Geneva convention,” and the Taliban do not “qualify for POW status.” In sum, the White House policy, in *Newsweek’s* assessment, “set the stage for the new interrogation procedures ungoverned by international law.”<sup>165</sup>

Less visibly, the administration began building a global gulag for the CIA. Sometime in late 2001, Secretary Rumsfeld, working with CIA and allied agencies, launched a “special-access program” (SAP) under the “most stringent level of security” to pursue the top Al Qaeda leadership — outfitting this covert operation with prior authorization for assassination and torture, selected troops from the elite Navy SEALs and Army Delta Force, and a network of secret CIA detention centers. According to reporter Seymour M. Hersh, the program was authorized by President Bush, known to fewer than 200 operatives and officials, and directed by Rumsfeld’s trusted aide Stephen Cambone, who later became Undersecretary of Defense for Intelligence. After the president signed a secret order giving the Agency “new powers,” Washington negotiated agreements for secret CIA interrogation centers in Thailand, Jordan, Diego Garcia Island in the Indian Ocean, and Bagram air base near Kabul. To avoid U.S. Air Force planes, the Agency created a charter airline to shuttle prisoners secretly among its own centers and allied agencies, Jordan and Morocco, both with long ties to the CIA and bleak records of sadistic torture. To keep these prisoners beyond the reach of the International Red Cross, Defense Secretary Rumsfeld agreed, at the request of CIA Director George Tenet, to create some thirteen “ghost detainees” — arrested in Pakistan, Indonesia, Morocco, Thailand, Iraq, and elsewhere — by holding them without the registration numbers that are required by the Geneva Convention. By mid-2004, the *New York Times* estimated that the CIA was holding some twelve to twenty-four top Al Qaeda suspects in its secret gulag who had never been visited by “a lawyer or a human rights organization.” The respected British newspaper, the *Observer*, reported an estimated 3,000 Al Qaeda suspects were being held in both CIA centers and, through an illegal process called “rendition,” allied prisons across the Middle East.<sup>166</sup>

Initially, the CIA used its gulag to focus on the top Al Qaeda leaders, leaving

lesser suspects to the U.S. Army. In April 2002, the Agency captured one of its first targets, Abu Zubaydah, chief recruiter for Al Qaeda, in Pakistan, and flew him to its secret base in Thailand for interrogation. Although he had been shot several times during his capture, the CIA denied Abu Zubaydah painkillers during this interrogation. In general, the Bush administration was pleased with the yield from Zubaydah's torture since he helped identify another top Al Qaeda operative, Khalid Shaikh Mohammed, as a principal in the 9/11 attacks, and he was the main source for discovery of Jose Padilla's supposed "dirty bomb" plot in Chicago. In June, moreover, Indonesian agents, working with the CIA, captured Al Qaeda's top Southeast Asian operative, Omar al-Faruq, and the Agency flew him to its Bagram base for an interrogation. In the words of the *New York Times*, Faruq was, for three months, "left naked most of the time, his hands and feet bound," while "subjected to sleep and light deprivation, prolonged isolation, and room temperatures that varied from 100 degrees to 10 degrees." One Western intelligence official said this treatment was "not quite torture, but about as close as you can get." In the end, Faruq gave detailed information about Al Qaeda's operatives and projected operations in Southeast Asia. But these methods were so harsh they sparked concern among FBI agents and a debate within the CIA over possible violations of U.S. anti-torture laws, prompting correspondence between the Agency and the Justice Department "over the legality of specific techniques."<sup>167</sup>

To calm these concerns and let the brutal interrogations continue, Assistant Attorney General Bybee delivered a detailed, fifty-page memo to White House counsel Alberto Gonzales in August 2002 providing "sweeping legal authority" for a wide range of harsh interrogation techniques. By carefully parsing key words in the UN anti-torture convention and its parallel U.S. legislation, USC §§ 2340-2340A, Bybee concluded that U.S. law limited the crime of torture to "acts inflicting, and. . . specifically intended to inflict, severe pain or suffering, whether mental or physical." To constitute torture under U.S. statute, the physical pain must "be equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death." In parsing both Reagan's original four-part reservation to the UN anti-torture convention back in 1988 and the Clinton administration's ratification and enabling legislation six years later, Bybee found his primary grounds for exculpating CIA torturers in a clause that defined torture as "an act [that] must be specifically intended to inflict severe physical or mental pain." In effect, an interrogator who tortured, but later claimed his aim was information instead of pain, was not guilty of torture. Then, further limiting the ambit of CIA culpability, Bybee concluded that psychological torture could only become a crime if there were three tightly linked conditions: (a) the "specific intent" to cause (b) "prolonged mental harm . . . such as posttraumatic stress disorder" solely by (c) committing one of the four forms of mental torture (with threats or drugs) specified in the 1994 law. In sum, the U.S. statute, in Bybee's analysis, "prohibits only extreme acts." Significantly, the "sensory deprivation techniques," long central to the CIA's paradigm, did not, in his view, "produce pain or suffering of the necessary intensity to meet the definition of torture." More broadly, any limitation on commander-in-chief powers to order interrogations would "represent an unconstitutional infringement of the President's authority to conduct war."<sup>168</sup>

In effect, by emphasizing "specific intent" as a necessary pre-condition for criminal torture, Bybee narrowed the definition of psychological torture in the 1994

U.S. legislation, which had, in turn, both narrowed and muddled the starkly clear prohibition on physical and psychological torture in the UN convention's original language. Through this linguistic legerdemain, the Justice Department granted the CIA de facto authority to use torture techniques, excepting only "the most heinous acts" that brought maiming or death. When the White House released this memo two years later, prominent legal scholars mocked its transparently tendentious reading of the law. "If the president has commander-in-chief power to commit torture," said Yale Law dean Harold Hongju Koh, "he has the power to commit genocide, to sanction slavery, to promote apartheid, to license summary execution." But there was no such criticism inside the Bush administration back in 2002 and Bybee's logic, though clearly flawed, became U.S. policy.<sup>169</sup>

While this clandestine gulag grew, use of the CIA's Cold War torture techniques revived, surfacing first in the Agency's Bagram Collection Point near Kabul in late 2002 where the United States held many of its two hundred to three hundred high-value Afghani detainees. In December, the *Washington Post* reported that prisoners inside the Bagram interrogation center, hidden in an abandoned airport hangar, were subjected to "standing or kneeling for hours in black hoods or spray-painted goggles," forced into "awkward, painful positions and deprived of sleep with a twenty-four-hour bombardment of lights." According to American eyewitnesses, captives were "softened up" by U.S. Army Military Police and Special Forces "who beat them and confine them to tiny rooms." In response to this report, Human Rights Watch warned that Washington was violating "the most fundamental prohibitions of international human rights law."<sup>170</sup> Two months later, the *New York Times* reported two Afghan prisoners had been found dead in their cells at Bagram in December 2002, and a Pentagon pathologist, Major Elizabeth A. Rouse, ruled the death of a twenty-two-year old Afghani named Dilawar "homicide" after finding "blunt force injuries to lower extremities."

In late 2002, the Defense Department issued instructions for harsher military interrogation after assigning Major General Geoffrey D. Miller to command its Guantanamo detention center that November. A month later, Guantanamo commanders asked the Pentagon for more latitude to interrogate potential assets like Mohamed al-Kahtani, a twenty-six-year-old Saudi branded the twentieth hijacker — claiming, in the words of Southern Command chief General James T. Hill, that "some detainees have tenaciously resisted our current interrogation methods." In support of his request, General Hill attached a memo from Guantanamo's Joint Task Force 170 recommending harsher methods such as "stress positions (like standing) for a maximum of four hours," "isolation facility for up to 30 days," "deprivation of light and auditory stimuli," hooding, "use of 20-hour interrogations," and "wet towel and dripping water to induce the misperception of suffocation." Consequently, Secretary Rumsfeld "approved" eighteen procedures beyond the U.S. Army's standard interrogation manual, which had been based on psychological methods written to comply with the Geneva Conventions. The secretary, referring to the standing designer desk in his office, added a jocular handwritten note signaling his tolerance for a tough interpretation of these guidelines, saying: "However, I stand for 8–10 hours a day. Why is standing limited to 4 hours?"<sup>171</sup>

In the following months, however, some officials reported that the harsh methods extracted little information from al-Khatani who "had been most forthcoming under more subtle persuasion." In mid January 2003, Rumsfeld suspended these new procedures until his Pentagon Working Group produced a memo in March with a

narrowly drawn definition of torture and a broad interpretation of executive power quite similar to Assistant Attorney General Bybee's views a year earlier. In April, therefore, the secretary restored the wide latitude for Guantanamo interrogators with seven methods beyond the Army's interrogation manual — including “environmental manipulation,” “reversing sleep cycles from night to day,” and isolation for up to thirty days. Under General Miller, Military Intelligence units at Guantanamo thus adopted a “72-point matrix for stress and duress” strikingly similar to the CIA's original torture paradigm, using “harsh heat or cold; withholding food; hooding for days at a time; naked isolation in cold, dark cells for more than 30 days, and . . . ‘stress positions’ designed to subject detainees to rising levels of pain.”<sup>172</sup> By mid 2004, over seven hundred detainees from forty-four nations, some as young as thirteen, would pass through Guantanamo, with still uncounted numbers subjected to such harsh interrogation.<sup>173</sup>

When this March 2003 Working Group memo thus became Pentagon policy, a delegation of senior officers from the Judge Advocate General's (JAG) Corps paid an unofficial visit to Scott Horton, then head of the Human Rights Committee of the New York City Bar Association. Concerned that their exemplary, fifty-year history with the Geneva Conventions was ending, the JAG officers warned that “conditions are ripe for abuse, and it's going to occur,” and urged Horton's committee “to challenge the Bush administration about its standards for detentions and interrogation.” Others outside the military feel that these concerns were, in retrospect, well grounded. “We believe that this memo,” said Jamie Fellner of Human Rights Watch, “shows that at the highest levels of the Pentagon there was an interest in using torture as well as a desire to evade the criminal consequences of doing so.”<sup>174</sup>

These interrogation policies, originally used only against top Al Qaeda operatives, soon proliferated under the pressure of the Iraq occupation. In August, Iraq suffered a wave of terror bombing that detonated the Jordanian Embassy with nineteen deaths and blasted the UN headquarters, leaving twenty-three fatalities including its head, Sergio Vieira de Mello. A U.S. military study soon found that the lethal roadside bombings were “the result of painstaking surveillance and reconnaissance,” and the rebels drew their intelligence from sympathizers in both Iraqi police and the secure U.S. Green Zone in downtown Baghdad. In striking contrast to the rebels, the U.S. command suddenly found it had no real intelligence to counter these terror attacks. As American casualties surged and the U.S. occupation was engulfed in spreading violence, Secretary Rumsfeld reportedly acted with characteristic decisiveness by ordering his “special-access program” (SAP) operatives into Iraq, inserting them into Abu Ghraib with authority for harsh interrogation beyond army regulations. The nominal commander of Abu Ghraib, General Janis Karpinski, recalled seeing mysterious interrogators at the prison in late 2003, “disappearing ghosts” who concealed their identities with aliases and civilian clothes. Apart from the usual psychological tactics, these CIA and SAP interrogators reportedly brought new methods of forced nudity and explicit photography based on a sophisticated cultural theory that “Arabs are particularly vulnerable to sexual humiliation.”<sup>175</sup>

Despite the Bush administration's assurance that the Geneva Convention applied to Iraq, the CIA and its collaborators in Military Intelligence (MI) began torture/interrogation at Abu Ghraib and other camps with high-value detainees. In early September, Guantanamo's commander General Miller inspected Iraqi prisons with “a team of personnel experienced in strategic interrogation,” recommending, in his

classified report, “it is essential that the guard force be actively engaged in setting the conditions for successful exploitation of internees.” In the following weeks, the U.S. commander for Iraq, Lieutenant General Ricardo S. Sanchez, authorized much of what General Miller had proposed, including harsh procedures earlier banned at Guantanamo such as sleep deprivation, stress positions, and manipulation of “lighting, heating . . . , food, clothing, and shelter.” To improve the intelligence yield from Abu Ghraib, veteran army interrogators from the 519th Military Intelligence Battalion, led by Captain Carolyn A. Wood, arrived from service at the CIA’s Bagram center in Afghanistan with more aggressive methods that had already produced several Afghan fatalities. Consequently, from October to December 2003, Military Police in the security blocks at Abu Ghraib began to soften up dozens of detainees for CIA and MI interrogation with harsh methods documented, in the words of a later Army report, by “numerous photos and videos portraying in graphic detail detainee abuse by Military Police.”<sup>176</sup>

To intensify this already tough interrogation, on November 19, 2003, the 205th Military Intelligence Brigade under Colonel Thomas M. Pappas took command of Abu Ghraib prison and the top-secret facility near Baghdad airport known as Camp Cropper. During the months of most intense abuse in late 2003, Colonel Pappas was summoned to periodic grillings by General Sanchez, pressed hard to deliver more intelligence. As prescribed in the CIA’s psychological method, Military Police were now responsible for the first phase of intensive disorientation to prepare detainees for later interrogation by CIA, MI, and private contractors, producing what the Army’s investigation later called “numerous incidents of sadistic, blatant, and wanton criminal abuses . . . on several detainees.” In the words of Major General Antonio Taguba’s later investigation, this abuse involved “punching, slapping, and kicking detainees” and “keeping them naked for several days at a time.” In the escalation that often comes with psychological torture, this treatment soon moved beyond sleep and sensory deprivation to sexual humiliation marked by “photographing naked male and female detainees; forcibly arranging detainees in various sexually explicit positions . . . ; forcing groups of male detainees to masturbate while being photographed.” Dismissing the idea of such behavior as simply aberrant, General Taguba’s inquiry found that “Military Intelligence (MI) interrogators and Other U.S. Government Agency’s (OGA) [that is, CIA] actively requested that MP guards set physical and mental conditions for favorable interrogation.”<sup>177</sup>

Then, in a second, still unexamined phase prescribed in the Agency’s torture method, trained MI and CIA operatives administered the requisite mix of interrogation and self-inflicted pain — a process that evidently took place outside the frame of these now famous photographs. Under the 205th Military Intelligence Battalion, forced nudity became a standard interrogation procedure to humiliate and break prisoners at Abu Ghraib. There were, moreover, increasing incidents of capricious cruelty. In November 2003, for example, five Iraqi generals suspected of instigating a small prison riot were manacled, blindfolded, and beaten by guards “until they were covered with blood.” Although the prison’s Detainee Assessment Branch filed at least twenty reports of serious abuse with General Sanchez and his intelligence chief, Major General Barbara Fast, the army command did not intercede. Significantly, General Taguba later found that Colonel Pappas and his deputy, Lieutenant Colonel Steven L. Jordan, chief of the Joint Interrogation and Debriefing Center, were “directly or indirectly responsible” for the prisoner abuse at

Abu Ghraib.<sup>178</sup>

In contrast to General Taguba's succinct, dispassionate descriptions, a February 2004 Red Cross report offers explicit details of U.S. interrogation techniques, both psychological and physical, that are very similar to the methods recommended in earlier CIA torture manuals. Throughout these months of harsh interrogation in late 2003, the International Committee of the Red Cross (ICRC) made twenty-nine visits to U.S. detention facilities across Iraq, exercising their right to arrive unannounced for unrestricted inspections. While conditions for most detainees were satisfactory, those "under supervision of Military Intelligence were at high risk of being subjected to a variety of harsh treatments ranging from insults, threats and humiliation to both physical and psychological coercion, which in some cases was tantamount to torture." Significantly, some coalition military intelligence officers told the ICRC that "between 70 percent and 90 percent" of detainees in Iraq, which reached about 40,000 at peak, "had been arrested by mistake." In their visits to Abu Ghraib's military intelligence section, several U.S. officers told the ICRC that "it was part of the military intelligence process to hold a person . . . naked in a completely dark and empty cell for a prolonged period [and] to use inhumane and degrading treatment, including physical and psychological coercion." In words that could have been lifted almost verbatim from past CIA interrogation manuals, the ICRC detailed the forms of "ill treatment" that U.S. Military Intelligence used "in a systematic way to . . . extract information" from Iraqi detainees.<sup>179</sup>

- Hooding, used to prevent people from seeing and to disorient them, and also to prevent them from breathing freely . . . ;
- Beatings with hard objects (including pistols and rifles) . . . ;
- Threats (of ill-treatment, reprisals against family members, imminent execution . . . );
- Being stripped naked for several days while held in solitary confinement . . . ;
- Being paraded naked outside their cells in front of other persons . . . ;
- Being attached repeatedly over several days, for several hours each time, with handcuffs to the bars of their cells door in humiliating (i.e. naked or in underwear) and/or uncomfortable position causing physical pain;
- Being forced to remain for prolonged periods in stress positions such as squatting or standing with or without the arms lifted.

During a visit to Abu Ghraib in October, the ICRC discovered detainees "completely naked in totally empty concrete cells and in total darkness, allegedly for several days." The Red Cross medical staff determined that prisoners so treated were suffering from "memory problems, verbal expression difficulties, incoherent speech, acute anxiety reactions, . . . and suicidal tendencies." In sum, the ICRC found these practices "are prohibited under International Humanitarian Law."<sup>180</sup>

By late 2003, after several months of prisoner abuse, the CIA reportedly tired of this seamy sexual torture of ordinary Iraqis and, upon advice of its lawyers, withdrew from Secretary Rumsfeld's top-secret "special-access program" at Abu Ghraib. But after Saddam Hussein's dramatic capture on December 13, the military sent a dozen of the aides arrested with him to Abu Ghraib, creating new pressures for tough interrogation. To exploit these assets in the apparent absence of CIA interrogators, the Iraq command's intelligence chief, Brigadier General Barbara





In 16th century Europe, interrogators used iron “masks of mockery” for the dual purpose of psychological humiliation through public display, and physical pain through obstruction of the mouth, nose, or eyes. Today, US interrogators, both CIA and Military Intelligence, use similar “hooding,” often with military-issue plastic sandbags, for the sensory deprivation essential to effective psychological torture. (Aldo Migliorini. *Tortura Inquisizione Pena di Morte*. [Italy: Lalli Editore, 1997.])

Fast, authorized a “special projects team” to use harsh methods beyond the Army manual, including reduced diet, sleep deprivation, isolation cells for thirty days, and military dogs. In contrast to the very slender results from the past three months of torture at Abu Ghraib, the yield from Saddam’s entourage was rich, leading to the arrest of Baath Party officials, ex-generals, and tribal leaders involved with the resistance. But just four weeks later, on January 13, 2004, a young MP named Joseph Darby delivered a CD with those now notorious photographs to the Army’s Criminal Investigation Division, setting in motion General Taguba’s investigation in February and the later leak of his findings to the news media.<sup>181</sup>

As the Abu Ghraib scandal intensified in May 2004, the Pentagon, after months of delays, suddenly issued death certificates for twenty former prisoners, including twelve cases of homicide or unexplained death. The Defense Department had long attributed one of these deaths, that of the former Iraqi air defense chief, Major General Abed Hamed Mowhoush, to “natural causes.” But after the *Denver Post* published his U.S. military autopsy, the Pentagon admitted that the general had, in fact, died from suffocation and “blunt force trauma” after CIA interrogation in November 2003. Indeed, this harsh treatment had produced that unsettling color photo of the general’s badly bruised death mask now circulating worldwide on the Internet along with other indelible images from Abu Ghraib.<sup>182</sup>

Responding to this deepening scandal in May and June 2004, the Bush White House issued pro-forma apologies while scrambling to depict events at Abu Ghraib as “abuse” not torture. At a Pentagon press conference on May 4, Secretary Rumsfeld stated that “what has been charged thus far is abuse, which I believe technically is different from torture.” When pressed, the secretary said, “I’m not going to address the ‘torture’ word.” On May 10, after the Senate condemned the prisoner abuse by a 92 to 0 vote, President Bush offered an oblique apology, stating there would be “a full accounting for the cruel and disgraceful abuse of Iraqi detainees.” Four days later, General Sanchez announced an end to all coercive interrogation in Iraq, though, upon questioning by reporters, his spokesman admitted that the general still reserved the right to hold prisoners in isolation cells for more than thirty days. Speaking to the U.S. Army War College on May 24, President Bush promised to demolish Abu Ghraib prison because it had become “a symbol of disgraceful conduct by a few American troops who dishonored our country and dishonored our values,” and announced plans for “a modern, maximum security prison . . . as a fitting symbol of Iraq’s new beginning.”<sup>183</sup>

In the weeks that followed, however, a torrent of leaked executive documents, showed that officials up and down the chain of command had condoned torture, from White House and Justice Department law officers who defined “torture” narrowly to allow abusive interrogation; to Secretary Rumsfeld who personally ordered harsh measures; next to senior CIA and Army officials who ignored reports of cruelty and even death to press subordinates for better intelligence; all the way down to middle-ranking officers and ordinary soldiers who carried out these commands, often with a steely professionalism, occasionally with a psychopathic abandon. As Congress probed the scandal, the Bush administration, in the words of the *New York Times*, “spent nearly two months obstructing investigations and stonewalled senators over dozens of Red Cross reports that document the horrible mistreatment of Iraqis at American military prisons.” In particular, the paper branded Mr. Rumsfeld’s prevarication over release of Red Cross reports “the most outrageous example of the administration’s bad faith on the prison scandal.”<sup>184</sup>

In early June 2004, the UN Office of the High Commissioner for Human Rights in Geneva condemned the “willful killing, torture and inhuman treatment” in Iraq, calling it a “grave breach” of international law that “might be designated as war crimes by a competent tribunal.” The scandal was, the Commissioner added, recognized by even Coalition leaders as “a stain upon the effort to bring freedom to Iraq.” When President Bush visited the Vatican on June 4, Pope John Paul II, referring to the Abu Ghraib scandal, spoke publicly of “deplorable events . . . which have troubled the civic and religious conscience of all.”<sup>185</sup> Two weeks later, UN Secretary-General Kofi Annan rejected a U.S. request for immunity of its troops from the International Criminal Court, calling the move deplorable “given the prisoner abuse in Iraq.” Faced with certain defeat in the UN Security Council, Washington was forced to withdraw its request for immunity, in large part because former supporters like China were, in the words of its ambassador, “under pressure because of the scandals and the news coverage of the prisoner abuse.” As international outrage mounted, U.S. Attorney General John Ashcroft, long a militant supporter of harsh interrogation, announced the indictment of a CIA contract employee, David A. Passaro, who had “brutally” beaten an Afghani detainee to death with hands, feet, and flashlight for two days in June 2003.<sup>186</sup>

Closing a month of rapid-fire repudiation of the Bush administration’s policy toward prisoners of war, on June 28 the U.S. Supreme Court affirmed the right of “enemy combatants” held at Guantanamo to due process under law, flatly rejecting the Bush administration’s insistence on unchecked, unlimited detention of all prisoners in the War on Terror, whether aliens or U.S. citizens. The Abu Ghraib scandal, though not mentioned explicitly, cast a heavy shadow over the court’s deliberations. In oral arguments for *Rumsfeld v. Padilla* on April 28, Justice Ruth Bader Ginsburg challenged the executive’s claim to exemption from judicial oversight, asking, “So what is it that would be a check against torture?” When the Deputy Solicitor General, Paul D. Clement, tried to evade the question with a bland assurance that military violators would be prosecuted, the Justice pressed harder, asking: “Suppose the executive says mild torture we think will help get this information.” To quiet that concern, the deputy solicitor insisted that “our executive” would never tolerate torture, adding that in wartime “you have to trust the executive to make the kind of quintessential military judgments that are involved in things like that.”<sup>187</sup>

Only hours after the government said it could be trusted not to torture, CBS televised the first photographs of U.S. soldiers torturing prisoners at Abu Ghraib. In the weeks following, moreover, the press published leaked copies of secret Bush administration memos, including the August 2002 report by Bybee, arguing that the president had the legal authority to order torture. Then, just two months after hearing oral arguments, the court handed down in its decisions in these three cases, ruling, in sum, that “war is not a blank check when it comes to the rights of the Nation’s citizens.” Writing for the plurality in an essentially six-to-three decision that Yaser Esam Hamdi, a Saudi-American arrested in Afghanistan, was entitled to due process, Justice Sandra Day O’Connor said “indefinite detention for the purpose of interrogation is not authorized.” She added “an unchecked system of detention carries the potential to become a means for oppression and abuse of others.” Dissenting from the court’s finding that it had no jurisdiction over Jose Padilla, the so-called “dirty bomber” confined in a Navy brig, Justice John Paul Stevens argued that it was of “no consequence” whether information extracted from indefinite

detention “is more or less reliable than that acquired by more extreme forms of torture.” In a minority opinion joined by three other justices, Justice Stevens added pointedly: “For if this nation is to remain true to the ideals symbolized by its flag, it must not wield the tools of tyrants even to resist an assault by the forces of tyranny.” Suddenly, the Pentagon’s plans for endless detention of 600 Guantanamo detainees, without any judicial oversight, were thrown into disarray, and the Bush administration was faced with the mass transfer of hundreds of cases to U.S. federal courts.<sup>188</sup>

Clearly, the Abu Ghraib scandal has been a heavy blow to U.S. international prestige, sparking strong domestic and international pressures for both reform and punishment. If a fuller, future inquiry does establish that the Red Cross was accurate in its description of what happened at Abu Ghraib, then these seven military police now facing courts-martial are just ordinary American soldiers following orders within standard CIA and military interrogation procedures. Whatever their guilt, the prosecution of these soldiers is likely to become the first step in an investigation that may, under U.S. and international pressure, move up the chain of command to the Pentagon, CIA, and White House. While these inquiries may well produce a mountain of executive memos and Dantesque details of torture, they will not, in all likelihood, probe deep for the bureaucratic roots of the interrogation methods, leaving these practices buried, unchecked and unexamined, deep inside the CIA and its intelligence community to resurface in some future crisis.

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## Conclusion

Strong democracies, far more than post-authoritarian societies, have difficulty dealing with torture. Even after all of the explicit photos at Abu Ghraib, America, like France and Britain before it, has struggled to cope with the realization that its security forces have been using systematic torture to fight a counter-insurgency campaign. In the months following release of the Abu Ghraib photos, the United States moved quickly through the same stages, as defined by John Conroy, that the United Kingdom experienced after revelations of British Army torture in Northern Ireland during the early 1970s — first, minimizing the torture with euphemisms such as “interrogation in depth”; next, justification on grounds that it was necessary or effective; and, finally, burial of the issue by blaming “a few bad apples.”<sup>189</sup>

Indeed, the Bush administration and much of the U.S. press have studiously avoided the word “torture” and focused the blame on those bad apples, the seven accused Military Police. In July, the Army’s Inspector General, Paul T. Mikolashek, delivered his 321-page investigation attributing 94 incidents of abuse, including 20 homicides, not to “system failures,” but to “an individual failure to uphold Army Values.” Indeed, he reported all “observed commanders, leaders, and soldiers treated detainees humanely,” and even recommended regulations be loosened to allow “commanders to more effectively conduct intelligence exploitation in a non-linear battlespace.”<sup>190</sup> In his appearance before Congress, several senators faulted Mikolashek for failing to investigate General Taguba’s earlier report of “systemic and illegal abuse of detainees”— a finding corroborated by the Red Cross determination that humiliating sex acts were “done in a systematic way.” Although the *New York Times* called his conclusions “comical” and his report a “whitewash,” General Mikolashek’s exculpatory approach seems a fair indicator of what we can expect from the public versions of the four ongoing military investigations.<sup>191</sup>

Indeed, Mikolashek's conclusions seem to resonate with an emerging conservative consensus. "Interrogation is not a Sunday-school class," said Senator Trent Lott (R-MS). "You don't get information that will save American lives by withholding pancakes." Two months after release of the Abu Ghraib photos, an ABC News/Washington Post poll found that 35 percent of Americans felt torture was acceptable in some circumstances.<sup>192</sup>

Then in August 2004, Major General George R. Fay released his report on the role of Military Intelligence blaming not the seven bad apples, but the interrogation procedures at Abu Ghraib. After finding Army interrogation doctrine sound, the general confronted an uncomfortable question: what was the source of these aberrant practices? In its short answer General Fay's report blames a flouting of military procedures by CIA interrogators that "eroded the necessity in the minds of soldiers and civilians for them to follow Army rules." Specifically, the Army "allowed CIA to house 'Ghost Detainees' who were unidentified and unaccounted for in Abu Ghraib," thus encouraging violations of "reporting requirements under the Geneva Conventions." Freed from military regulations, CIA interrogators moved about with a corrupting "mystique" and extreme methods that "fascinated" some Army interrogators. In sum, General Fay seems to say that the CIA compromised the integrity and effectiveness of the U.S. military. He might have added that the sensory deprivation, stress positions, and cultural shock of dogs and nudity were plucked from the pages of past CIA torture manuals.<sup>193</sup>

Almost simultaneously, in June 2004 the International Red Cross completed an investigation of US military interrogation at Guantanamo that, along with General Fay's report on Abu Ghraib, provided strong corroboration that once-covert CIA torture techniques had now become official US doctrine. Through periodic inspections of Guantanamo's Camp Delta, the Red Cross determined that the psychological techniques used on the 550 detainees were, under international law, "tantamount to torture." In particular, the Red Cross objected to the US military's use of medical personnel, particularly psychologists on the Behavioral Science Consultation Team, to advise military interrogators on more effective methods, calling the practice "a flagrant violation of medical ethics." Moreover, medical personnel who treated the detainees conveyed information about their patients to interrogators through the Behavioral Team, creating an "apparent integration of access to medical care within the system of coercion." Between its first visit to Guantanamo in January 2002 and its most recent in June 2004, the Red Cross found that these psychological techniques had grown "more refined and repressive," involving "humiliating acts, solitary confinement, temperature extremes, use of forced positions." The Red Cross concluded, in uncharacteristically blunt language: "The construction of such a system, whose stated purpose is production of intelligence, cannot be considered other than an intentional system of cruel, unusual and degrading treatment and a form of torture." When the *New York Times* published extracts on November 30, Guantanamo's commander, General Jay W. Hood, insisted the detainees have "not been tortured in any way." Speaking for the Bush administration, Secretary Rumsfeld's spokesman, Lawrence Di Rita, said simply and dismissively that the Red Cross had "their point of view"—one the White House clearly did not share. In effect, this public rejection of a finding by the Red Cross, an impartial international agency, that U.S. psychological methods were "a form of torture" resolved that contradiction, evident since the early 1950s, between Washington's secret propagation of torture and its public embrace of international

conventions barring the practice. After a half-century of the CIA's secret use of psychological torture, the US government now defied the international community by publicly defending these distinctive methods and denying they constituted torture.<sup>194</sup>

Clearly, the American public, its government, and its media have failed to examine U.S. interrogation tactics closely to discover that they are, apart from their modern psychological twist, strikingly similar to the classic European tortures used for nearly a thousand years, from the Inquisition to the Soviet KGB. Indeed, the CIA's psychological torture method has become so widely accepted within the U.S. intelligence community that military interrogators today seem unaware or unwilling to admit that many of their standard methods are, under the UN convention, a form of torture. This acceptance of psychological torture in defiance of the UN Convention also gained surprising currency among public intellectuals after 9/11. Writing in the *New York Times Magazine* just days before release of the Abu Ghraib photos, Harvard professor Michael Ignatieff argued, in words that could have been plucked from a CIA torture manual, for legislation to permit "forms of sleep deprivation that do not result in lasting harm to mental or physical health, together with disinformation and disorientation (like keeping prisoners in hoods) that would produce stress."<sup>195</sup>

In keeping with their advocacy of torture after 9/11, these same intellectuals, if one can speak of them collectively, seemed conflicted in light of Abu Ghraib. After seeing the actual photos of what their words had wrought, some suddenly reversed their support for torture — as Professor Ignatieff did very publicly, repudiating his very recent advocacy of "permissible duress." "At Abu Ghraib," he wrote in late June, "America paid the price for American exceptionalism, the idea that America is too noble, too special, too great to obey international treaties like the Torture Convention." Continuing in words that seem self-referential, he argued: "Enthralled by narcissism and deluded by servility, American lawyers forgot their own constitution and its peremptory prohibition of cruel and unusual punishment."<sup>196</sup>

This is not, of course, the first American debate over torture in recent memory. From 1970 to 1988, the U.S. Congress tried repeatedly, without success, to expose elements of this CIA torture procedure in four major investigations. But on each occasion the public showed little concern, and the practice persisted inside the intelligence bureaucracy. Like post-authoritarian societies in Asia and Latin America, the United States seems to suffer from a culture of impunity over this sensitive topic that has barred both self-examination and serious reform in the fifteen years since the Cold War's end.

But now, through these photographs from Abu Ghraib, ordinary Americans have seen the interrogation techniques that the U.S. intelligence community has propagated and practiced for nearly half a century. The American public can join the international community in repudiating a practice that, more than any other, represents a denial of democracy. Or, in its desperate search for security, the United States can continue its clandestine torture of terror suspects in the hope of gaining good intelligence without negative publicity.

In the likely event that Washington adopts the latter strategy, it will be a decision posited on two false assumptions: that torturers can be controlled; and that news of their work can be contained. Once torture begins, its use seems to spread uncontrollably, particularly in times of crisis, in a downward spiral of fear and empowerment. With the proliferation of digital imaging — on cell phones, personal computers, and

micro cameras — we can anticipate, in five or ten years, more chilling images and more devastating blows to America's international standing. Next time, however, the American public's moral concern and Washington's apologies will ring hollow, producing even greater damage to U.S. prestige. ❀

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