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

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

Despite these gaps (and in part because of them), this vast forest of paper comprises a sprawling, fragmented alternative literature on post-9/11 torture—one that lacks the coherence and pacing of many useful books on the subject, but which is not without other values. To spend an afternoon clicking through the ACLU database is to make some acquaintance, in a way that only primary documents allow, with the fact that behind every US act of torture is a massive, globe-spanning and poorly organized bureaucracy. Like all bureaucracies, it has a language peculiarly its own, shot through with jargon, euphemism and tics: empire whispering to itself in memo form.

In 2009 the ACLU hired Larry Siems, a poet and PEN American Center program director, to head a website called *The Torture Report*. His charge was to write about post-9/11 prisoner abuse, relying as exclusively as possible on the primary documents. Siems posted sections of the report as he finished them, and they received running commentary from a set group of people with relevant expertise, including lawyers, civil rights bloggers and a former military interrogator. There were links to all documents referenced. The site went live in September 2009, and Siems posted his final installment in March 2011. Now the full report has been released as a book, with the commenters' suggestions and insights incorporated into the text.

For much of *The Torture Report*, Siems focuses on a few particularly well-documented and egregious cases. By his own admission, he barely touches on large swatches of the post-9/11 torture project; there could easily be another fifty volumes of *The Torture Report* T

. Thankfully, he is also willing to roam freely through the document wilderness, straying far from his central cases in search of context or common themes, and quoting liberally along the way. The result is a compromise between the tidiness of most narrative reportage and the chaos of the primary texts: a story shaped by Siems, but very much co-narrated by his subjects.

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Lingering with the documents as Siems does—offering a play-by-play of the abuse—is a grim antidote of sorts for the simplifications that have run rampant through the torture discourse of the past decade. The first such simplification was that any instance of torture by US forces was entirely the independent, extracurricular initiative of “bad apples” (“a perverse, kinky group,” per *The Weekly Standard*) on “the night shift”—a phrase that was repeated ad nauseam as if it meant anything, as if it was somehow obvious that what happens after sundown doesn't really count. The “bad apples” line has been thoroughly debunked and seems to have fallen out of circulation, only to be replaced by a more accurate but equally thin cliché: that the torture went “straight to the top” of the government. Much less disclosed or understood is the exact nature of the channels running between “the top” and the interrogation chamber.

Often they were quite direct. Describing the early torture of Abu Zubaydah, a Saudi citizen, in a CIA prison in Thailand, Siems notes that every move his interrogators made was cleared in advance by a cable from Langley. As one of them later described it, “Before you laid a hand on him, you had to send in the cable saying, ‘He's uncooperative. Request permission to do X.’ And that permission would come.” Whenever authorization was sought for more obviously torturous techniques, CIA director George Tenet would bring the request to a meeting in the

White House Situation Room with his fellow National Security Council “principals,” a group that included Condoleezza Rice, Donald Rumsfeld, Colin Powell and John Ashcroft.

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

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

This is oddly apt: failures of understanding are part and parcel of institutionalized torture, which seems to require a systemic aversion to detail, especially the details of other people’s experiences. The most publicly visible manifestation of this aversion was the replacement of “torture”—in both the legal memos and the pages of the nation’s leading newspapers—with terms like “enhanced interrogation.” This same preference for detached vagueness pervades *The Torture Report*

. “Cramped confinement involves the placement of the individual in a confined space,” the administration lawyer John Yoo wrote in a 2002 memo. “The confined space is usually dark.” Depending on the size of the space, “the individual can stand up or sit down.”

Abu Zubaydah’s descriptions of his “cramped confinement,” which Siems quotes, dwell on several aspects that Yoo passes over: how a cloth was draped over his confinement box to restrict his air supply; how the box was so small he could neither sit nor stand but instead had to crouch, which caused a wound in his leg to rupture; how he was given a bucket to use as a

toilet, and how it tipped over and spilled while he remained inside for hours; how he lost all sense of time. It is unclear whether Yoo left such details out intentionally, or whether they simply never occurred to him. Similarly, it's hard to know what to make of a note written by Donald Rumsfeld in ink at the bottom of a 2002 memo on detainee treatment that, among other things, set limits on forced standing. "I stand for 8-10 hours a day," he wrote. "Why is standing limited to 4 hours?"

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

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

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

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

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

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

Once or twice, *The Torture Report* itself unwittingly parrots this mode of thinking, in annotations made by Matthew Alexander, the pseudonym of a former Air Force interrogator who is a prominent critic of torture. Pondering the use of techniques widely known to be useless for gathering intelligence, he asks: “If our men and women in uniform were able to accomplish their missions without the use of enhanced interrogation techniques through the World Wars, Korea, Vietnam, and up to 9/11, what changed?” Leaving aside the question of exactly what mission was accomplished in Vietnam, Alexander seems unaware of (or uninterested in) Project

Phoenix, a torture and execution program designed and operated by the CIA during that war. Tens of thousands were tortured, and at least 25,000 people were tortured and then murdered (“pump and dump,” it was called)—some by CIA agents (Americans, just not “in uniform”), most by CIA-trained Vietnamese acting on CIA instructions. The latter was preferable, at least from a bureaucratic standpoint. As William Colby, Phoenix’s founder, put it: ideally, “not only were Americans not to participate...but they were to make their objections known.”

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

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

Had the documents used in the composition of *The Torture Report* been available at the time, they might have played a useful supporting role in this argument. I say this not only because of all the forced nudity, sexual humiliation and threats of rape in the documents but also because of how often the interrogators admit, implicitly or otherwise, that they’re not primarily interested in gathering information. (Indeed, one fascinating CIA memo explains the distinction between

an “interrogator” and a “debriefing” as follows: “A debriefer engages a detainee solely through question and answer. An interrogator is a person who completes a two-week interrogations training program, which is designed to train, qualify, and certify a person to administer [enhanced interrogation techniques].” Put more simply, in the CIA’s lexicon, “to interrogate” means “to torture.”)

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

Lynchings were highly public spectacles, attended by families bearing picnic lunches; the photographs people took were widely and proudly circulated, at least in the South, where they were commonly made into postcards. On this front, contemporary US torture and its associated documents seem at first different. Much of the visual evidence has been destroyed. The documents were classified and released only over strong government objections, and even then with key pieces withheld. The men and women who took the Abu Ghraib photos took them only for their co-workers and family members. In 2009 the Obama administration successfully blocked the court-ordered release of a cache of previously unseen photos documenting prisoner abuse in Iraq and Afghanistan, and since then FOIA requests have been made more difficult and less powerful.

Is torture simply less popular now than lynching was then? It seems more likely that one set of rituals—those involving violent subjugation—has become closely interwoven with another set: those designed to communicate a reassurance that every action of the US government is necessary, legal and, most of all, carefully thought out by well-intentioned officials. The spectacle of lynching, and the photos documenting that spectacle, served as a boast and a warning: look what we can do—and will. With post-9/11 detainee abuse, the exact same message is being communicated, only so too is its negation: look what we disown, what only the bad apples among us desire, and for which we will duly jail them. Endless memos dissecting torture techniques and parsing existing laws out of existence are a key part of this ritual: they insist that nothing terrible is happening. In a 2002 meeting, a military lawyer was surprisingly honest: “We will need documentation to protect us.” A CIA lawyer chimes in his agreement: “Everything must be approved and documented.”

