

The History of U.S. Torture

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In April 2004, Americans were stunned when CBS broadcast those now-notorious photographs from Iraq's Abu Ghraib prison, showing hooded Iraqis stripped naked while U.S. soldiers stood by smiling. As this scandal grabbed headlines around the globe, Defense Secretary Donald Rumsfeld insisted that the abuses were "perpetrated by a small number of U.S. military," whom New York Times' columnist William Safire soon branded "creeps"--a line that few in the press had reason to challenge.

When I looked at these photos, I did not see snapshots of simple brutality or a breakdown in military discipline. After more than a decade of studying the Philippine military's torture techniques for a monograph published by Yale back 1999, I could see the tell-tale signs of the CIA's psychological methods. For example, that iconic photo of a hooded Iraqi with fake electrical wires hanging from his extended arms shows, not the sadism of a few "creeps," but instead the two key trademarks of the CIA's psychological torture. The hood was for sensory disorientation. The arms were extended for self-inflicted pain. It was that simple; it was that obvious.



After making that argument in an op-ed for the Boston Globe two weeks after CBS published the photos, I began exploring the historical continuity, the connections, between the CIA torture research back in the 1950s and Abu Ghraib in 2004. By using the past to interrogate the present, I published a book titled *A Question of Torture* last January that tracks the trail of an extraordinary historical and institutional continuity through countless pages of declassified documents. The findings are disturbing and bear directly upon the ongoing bitter debate over torture that culminated in the enactment of the Military Commissions law just last October.



psychological torture. With funding from Canada’s Defense Research Board, famed Canadian psychologist Dr. Donald O. Hebb found that he could induce a state akin to psychosis in just 48 hours. What had the doctor done—drugs, hypnosis, electroshock? No, none of the above.



Donald Hebb, 1970

From 1950 to 1962, the CIA led a secret research effort to crack the code of human consciousness, a veritable Manhattan project of the mind with costs that reached a billion dollars a year. Many have heard about the most outlandish and least successful aspect of this research -- the testing of LSD on unsuspecting subjects and the tragic death of a CIA employee, Dr. Frank Olson, who jumped to his death from a New York hotel after a dose of this drug. This Agency drug testing, the focus of countless sensational press accounts and a half-dozen major books, led nowhere.

But obscure CIA-funded behavioral experiments, outsourced to the country’s leading universities, produced two key findings, both duly and dully reported in scientific journals, that contributed to the discovery of a distinctly American form of torture:

For two days, student volunteers at McGill University, where Dr. Hebb was chair of Psychology, simply sat in comfortable cubicles deprived of sensory stimulation by goggles, gloves, and ear muffs. One of Hebb’s subjects, University of California-Berkeley English professor Peter Dale Scott, has described the impact of this experience in his 1992 epic

poem, "Listening to the Candle":

 nothing in those weeks added up
 yet the very aimlessness

 preconditioning my mind...

 of sensory deprivation

 as a paid volunteer

 in the McGill experiment

 for the US Air Force

 (two CIA reps at the meeting)

 my ears sore from their earphones'

 amniotic hum my eyes

 under two bulging halves of ping pong balls

 arms covered to the tips with cardboard tubes

 those familiar hallucination

 I was the first to report

 as for example the string

 of cut-out paper men

 emerging from a manhole

 in the side of a snow-white hill

 distinctly two-dimensional

Dr. Hebb himself reported that after just two to three days of such isolation "the subject's very identity had begun to disintegrate." If you compare a drawing of Dr. Hebb's student volunteers published in "Scientific American" with later photos of Guantanamo detainees, the similarity is, for good reason, striking.

During the 1950s as well, two eminent neurologists at Cornell Medical Center working for the CIA found that the KGB's most devastating torture technique involved, not crude physical beatings, but simply forcing the victim to stand for days at time—while the legs swelled, the skin erupted in suppurating lesions, the kidneys shut down, hallucinations began. Again, if you look at those hundreds of photos from Abu Ghraib you will see repeated use of this method, now called "stress positions."

After codification in its 1963 KUBARK manual, the CIA spent the next thirty years propagating these torture techniques within the US intelligence community and among anti-communist allies across Asia and Latin America.

Although the Agency trained military interrogators from across Latin America, our knowledge of the actual torture techniques comes from a single handbook for a Honduran training session, the CIA's "Human Resource Exploitation Manual — 1983." To establish control at the outset the questioner should, the CIA instructor tells his Honduran trainees, "manipulate the subject's environment, to create unpleasant or intolerable situations, to disrupt patterns of time, space, and sensory perception." To effect this psychological disruption, this 1983 handbook specified techniques that seem strikingly similar to those outlined 20 years earlier in the Kubark Manual and those that would be used 20 years later at Abu Ghraib.

After the Cold War

When the Cold War came to a close, Washington resumed its advocacy of human rights, ratifying the UN Convention Against Torture in 1994 that banned the infliction of "severe" psychological and physical pain. On the surface, the United States had apparently resolved the tension between its anti-torture

principles and its torture practices.

Yet when President William Clinton sent this UN Convention to Congress for ratification in 1994, he included language drafted six years earlier by the Reagan administration—with four detailed diplomatic “reservations” focused on just one word in the convention’s 26-printed pages. That word was “mental.”

Significantly, these intricately-constructed diplomatic reservations re-defined torture, as interpreted by the United States, to exclude sensory deprivation and self-inflicted pain—the very techniques the CIA had refined at such great cost. Of equal import, this definition was reproduced verbatim in domestic legislation enacted to give legal force to the UN Convention—first in Section 2340 of the US Federal Code and then in the War Crimes Act of 1996.

Remember that obscure number--Section 2340—for, as we will see, it is the key to unlocking the meaning of the controversial Military Commissions Law enacted by the US Congress just last September.

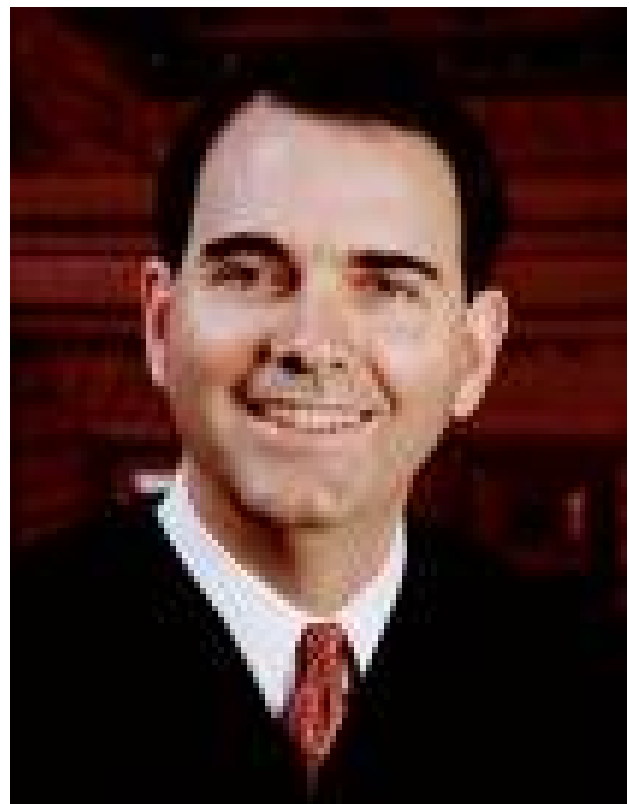
In effect, Washington had split the UN Convention down the middle, banning physical torture but exempting psychological abuse. By failing to repudiate the CIA’s use of torture, while adopting a UN convention that condemned its practice, the United States left this contradiction buried like a political land mine ready to detonate with such phenomenal force, just 10 years later, in the Abu Ghraib scandal.

War on Terror

Right after his public address to a shaken nation on September 11, 2001, President Bush gave his White House staff wide secret orders, saying, “I don’t care what the international lawyers say, we are going to kick some ass.”

In the months that followed, Administration attorneys translated their president’s otherwise unlawful orders into U.S. policy into three controversial, neo-conservative legal doctrines: (1.) the president is above the law, (2.) torture is legally acceptable, and (3.) the US Navy base at Guantanamo Bay is not US territory.

To focus on the single doctrine most germane to the history of psychological torture, Assistant Attorney General Jay Bybee found grounds, in his now notorious August 2002 memo, for exculpating any CIA interrogators who tortured, but later claimed their intention was information instead of pain. Moreover, by parsing the UN and US definitions of torture as “severe” physical or mental pain, Bybee concluded that pain equivalent to “organ failure” was legal—effectively allowing torture right up to the point of death.



Jay Bybee

Less visibly, the administration began building

a global gulag for torture at Abu Ghraib, Bagram, Guantanamo, and a half-dozen additional sites worldwide. In February 2002, the White House assured the CIA that the administration’s public pledge to abide by spirit of the Geneva Conventions did not apply to its operatives; and, significantly, it allowed the Agency ten “enhanced” interrogation methods designed by Agency psychologists that included “water boarding.”

Water Boarding

Over the past three years, this term “water boarding” has surfaced periodically in press accounts of CIA interrogation without any real understanding of psychologically devastating impact of this seemingly benign method. It has a venerable lineage, first appearing in a 1541 French judicial handbook, where it was called “Torturae Gallicae Ordinariae” or “Standard Gallic Torture.” But it would now become, under the War on Terror, what CIA director Porter Goss called, in March 2005 congressional testimony, a “professional interrogation technique.”



Water Boarding

There are several methods for achieving water boarding’s perverse effect of drowning in open air: most frequently, by making the victim lie prone and then constricting breathing with a wet cloth, a technique favored by both the French Inquisition and the CIA; or, alternatively, by forcing water directly and deeply into the lungs, as French paratroopers did during the Algerian War.

After French soldiers used the technique on Henri Alleg during the Battle for Algiers in 1957, this journalist wrote a moving description that turned the French people against both torture and the Algerian War. “I tried,” Alleg wrote, “by contracting my throat, to take in as little water as possible and to resist suffocation by keeping air in my lungs for as long as I could. But I couldn’t hold on for more than a few moments. I had the impression of drowning, and a terrible agony, that of death

itself, took possession of me.”

Let us think about the deeper meaning of Alleg’s sparse words--“a terrible agony, that of death itself.” As the water blocks air to the lungs, the human organism’s powerful mammalian diving reflex kicks in, and the brain is wracked by horrifically painful panic signals--death, death, death. After a few endless minutes, the victim vomits out the water, the lungs suck air, and panic subsides. And then it happens again, and again, and again--each time inscribing the searing trauma of near death in human memory.

Guantanamo

In late 2002, Defense Secretary Rumsfeld appointed General Geoffrey Miller to command Guantanamo with wide latitude for interrogation, making this prison an ad hoc behavioral laboratory. Moving beyond the CIA’s original attack on sensory receptors universal to all humans, Guantanamo’s interrogators stiffened the psychological assault by exploring Arab “cultural sensitivity” to sexuality, gender identity, and fear of dogs. General Miller also formed Behavioral Science Consultation teams of military psychologists who probed each detainee for individual phobias, such as fear of dark or attachment to mother.

Through this total three-phase attack on sensory receptors, cultural identity, and individual psyche, Guantanamo perfected the CIA’s psychological paradigm. Significantly, after regular inspections of Guantanamo from 2002 to 2004, the Red Cross reported: “The construction of such a system...cannot be considered other than an intentional system of cruel, unusual and degrading treatment and a form of torture.”

Abu Ghraib

These enhanced interrogation policies, originally used only against top Al Qaeda

operatives, soon proliferated to involve thousands of ordinary Iraqis when Baghdad erupted in a wave of terror bombings during mid 2003 that launched the resistance to the US occupation. After a visit from the Guantanamo chief General Miller in September 2003, the U.S. commander for Iraq, General Ricardo Sanchez, issued orders for sophisticated psychological torture.

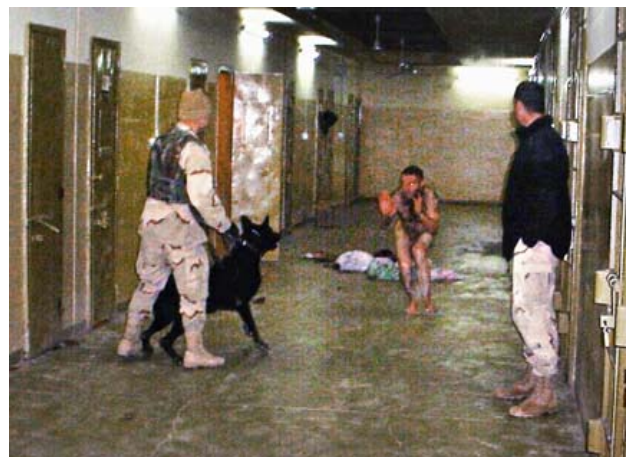
As you read the following extract from those orders, please look for the defining attributes of psychological torture--specifically, sensory disorientation, self-inflicted pain, and that recent innovation, attacks on Arab cultural sensitivities.

U. Environmental Manipulation: Altering the environment to create moderate discomfort (e.g. adjusting temperatures or introducing an unpleasant smell)...

V. Sleep Adjustment: Adjusting the sleeping times of the detainee (e.g. reversing the sleeping cycles from night to day).

X. Isolation: Isolating the detainee from other detainees ... [for] 30 days.

Y. Presence of Military Working Dogs: Exploits Arab fear of dogs while maintaining security during interrogations...



AA. Yelling, Loud Music, and Light Control: Used to create fear, disorient detainee and prolong capture shock...

CC. Stress Positions: Use of physical posturing (sitting, standing, kneeling, prone, etc.



Indeed, my review of the hundreds of still-classified photos taken by soldiers at Abu Ghraib reveals, not random, idiosyncratic acts from separate, sadistic minds, but just three psychological torture techniques repeated over and over ad nauseum: hooding for sensory deprivation; short shackling, long shackling, and enforced standing for self inflicted pain; and dogs, total nudity, and sexual humiliation for that recent innovation, exploitation of Arab cultural sensitivity. It is no accident that Private Lynndie England was photographed leading an Iraqi detainee leashed like a dog.

After Abu Ghraib

Let's look at the aftermath of the Abu Ghraib scandal, seeing how America moved by degrees to legalization of these CIA psychological

torture techniques. Confronted by public anger over detainee abuse at Abu Ghraib, the Bush White House has fought back by defending torture as a presidential prerogative. By contrast, an ad hoc civil society coalition of courts, press, and human rights groups has mobilized to stop the abuse.

In a dramatic denouement of June 2006, the US Supreme Court decided in *Hamdan v. Rumsfeld* that Bush's military commissions were illegal because they did not meet the requirement, under common Article 3 of the Geneva Conventions, that Guantanamo detainees be tried with "all the judicial guarantees...recognized as indispensable by civilized peoples."

Then on September 6, in a dramatic bid to legalize his now-illegal policies in the aftermath of the *Hamdan* decision, President Bush announced he was transferring fourteen top Al Qaeda captives from secret CIA prisons to Guantanamo Bay. At once both repudiating and legitimating past abuses, Bush denied that he had authorized "torture" while simultaneously defending the CIA's use of a tough "alternative set of procedures" to extract "vital information." To allow what he called the "CIA program" to go forward, President Bush announced that he was sending legislation to Congress that would legalize the same presidential prerogatives in treating detainees that had been challenged by the Supreme Court.

At first, Bush's bill seemed to arouse strong opposition by three Republican veterans on the Senate Armed Services Committee--Senators Graham, McCain, and Warner. But after tense, daylong negotiations inside Vice President Cheney's Senate office on September 21, these Republican partisans reached a compromise that sailed through Congress within a week, and without any amendments, to become the Military Commissions Law 2006.

Among its many objectionable features, this law strips detainees of their habeas corpus rights, sanctions endless detention without trial, and allows the use of tortured testimony before Guantanamo's Military Commissions. Most significantly, this law allows future CIA interrogators ample latitude for use of psychological torture by using, verbatim, the narrow definition of "severe mental pain" the U.S. first adopted back in 1994 when it ratified the UN Convention Against Torture and enacted a complementary Federal law, Section 2340 of the US code, to give force to this treaty.

The current law's elusive definition of "severe mental pain" is concealed under Para. 950 V, Part B, Sub-Section B on page 70 of the 96-page "Military Commissions Law 2006" that reads: "Severe Mental Pain or Suffering Defined: In this section, this term 'severe mental pain...' has the meaning given that term in Sect. 2340 (2) of Title 18 [of the Federal code]."

And what is that definition in section 2340? This is, of course, the same highly limiting definition the US first adopted back in 1994-95 when it ratified the UN Anti-Torture Convention.

Simply put, this legislation's highly restricted standard for severe mental suffering does not prohibit any aspect of the sophisticated torture techniques that the CIA has refined, over the past half-century, into a total assault on the human psyche.

To make this point clear, let us compare the law's very narrow, four-part standard for "severe mental suffering" with the CIA's psychological techniques to see which, if any, of the agency's actual methods are banned. Under this law, Section 2340, there are only four practices that constitute, in any way, "severe mental pain," including: drug injection; death threats; threats against another; and

extreme physical pain.

In actual practice, this definition does not ban any of the dozens of CIA psychological methods developed over five decades, which include:

--First, self-inflicted pain, via enforced standing and so-called "stress positions" which are cruel contortions enforced by shackling.

--Second, sensory disorientation through temporal and environmental manipulation exemplified sleep deprivation, protracted isolation, and extremes of heat and cold, light and dark, noise and silence, isolation and intensive interrogation.

--Third, attacks on cultural identity through sexual humiliation and use of dogs.

--Fourth, attacks on individual psyche by exploiting fears and phobias.

--Fifth, hybrid methods such as water boarding.

--Sixth and most importantly, creative combinations of all these methods which otherwise might seem, individually, banal if not benign.

If you wish an analogy to make the curious exclusionary logic of this legislation perfectly clear, it would be as if US homicide law had taken a leaf from the popular board game "Clue" and defined murder as only those killings "done by Mrs. White, in the Conservatory, with the Candlestick"—thus, by its omissions, legalizing all murders done by more conventional means such as poison, pistols, rifles, knives, ropes, clubs, or bombs.

To test my critical, perhaps overly cynical assessment of this new law, let us ask whether this new law bans the most extreme of the CIA's "enhanced" methods--water boarding. While the White House has refused comment, Vice President Cheney stated recently that

using “a dunk in water” to extract information was “a no-brainer for me.” As the administration’s leader on interrogation policy, Cheney’s words make clear, despite White House denials, that water boarding is legal under the new law.

By its omissions, this legislation has effectively legalized the CIA’s right to use methods that the international community, embodied in the Red Cross and the UN Human Rights Committee, considers psychological torture. For the first time in the 200 years since 1791 when United States ratified the Fifth Amendment banning self-incrimination, Congress has passed a law allowing coerced testimony into US courts.

The implications of this Military Commissions Law are profound and will most certainly face legal challenge. Indeed, just a few weeks ago seven retired Federal judges challenged this law before the US Court of Appeals in Washington, DC, saying that it has “one specific and fundamental flaw”: i.e., it allows the military tribunals to accept evidence obtained by torture. But when this case reaches the Supreme Court, we cannot expect that a more conservative Roberts court will overturn this law with the same ringing rhetoric that we have seen in two recent landmark decisions,

Rasul v. Bush and Hamdan v. Rumsfeld.

Conclusion

If this law stands, with its provisions for torture and drumhead justice, then the United States will suffer continuing damage to its moral leadership in the international community. Looking through a glass darkly into the future, Washington may try to return to that convenient contradiction that marked US policy during the Cold War: public compliance with human rights treaties and secret torture in contravention of those same diplomatic conventions.

Yet the world is no longer blind to these once- clandestine CIA methods and this attempt at secrecy will likely produce another scandal similar to Abu Ghraib. But next time our protestations of innocence will ring hollow and the damage to US prestige will be even greater.

Alfred W. McCoy is J.R.W. Smail Professor of History at the University of Wisconsin-Madison. His book, [A Question of Torture: CIA Interrogation, from the Cold War to the War on Terror](#) (Metropolitan Books, 2006) has just appeared in paperback.

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