

Subversion of the Rule of Law: Bush's Torture Attorneys

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The subversion of the rule of law by the George W. Bush administration was neither accidental nor contingent on executing its fraudulent "war on terror." On the contrary, within weeks of the 9/11 terror attacks while the remains of the Twin Towers continued to smolder, the foundations of the American Republic were consciously undermined by high regime officials.

Ideologically predisposed to governance via unlimited executive power, administration lawyers, many of whom identified with neoconservatism, exploited 9/11 as a salutary means to achieve an unsavory end: the creation of an authoritarian order where secretive-and highly-profitable-"public-private partnerships" served as a code for the "creative destruction" sought by their corporatist masters.

As Naomi Klein describes the processes in play after September 11:

Believers in the shock doctrine are convinced that only a great rupture—a flood, a war, a terrorist attack—can generate the kind of vast, clean canvases they crave. It is in these malleable moments, when we are psychologically unmoored and physically uprooted, that these artists of the real plunge in their hands and begin their work or remaking the world. (The Shock Doctrine: The Rise of Disaster Capitalism, New York: Metropolitan Books, 2007, p. 21.)

It is hardly a coincidence that Klein begins her exploration of "the shock doctrine" with a descriptive history of the CIA's MKULTRA "mind control" experiments of the 1950s and 1960s. Over time, CIA psychiatrists and paramilitary operators crafted a series of devil's dictionaries rooted in the soil of psychological terror and the quantification of human emotion. Both the [KUBARK Counterintelligence Interrogation](#) and its deranged twin, the [Human Resource Exploitation Training Manual-1983](#), while creatures of America's anticommunist Cold War *jihad* have had a long-lasting and disastrous impact on U.S. military and intelligence policies.

While KUBARK was the monstrous offspring of MKULTRA, the 1983 Manual was a hybrid beast, a "product" lifted from KUBARK guidelines and from U.S. Military Intelligence field manuals written in the 1960s, the distilled "wisdom" of the Army's Foreign Intelligence Assistance Program code named "Project X." As Thomas Blanton and Peter Kornbluh [describe](#),

The manual was used in numerous Latin American countries as an instructional

tool by CIA and Green Beret trainers between 1983 and 1987 and became the subject of executive session Senate Intelligence Committee hearings in 1988 because of human rights abuses committed by CIA-trained Honduran military units. The manual allocates considerable space to the subject of “coercive questioning” and psychological and physical techniques. The original text stated that “we will be discussing two types of techniques, coercive and non-coercive. While we do not stress the use of coercive techniques, we do want to make you aware of them.” After Congress began investigating human rights violations by U.S.-trained Honduran intelligence officers, that passage was hand edited to read “while we deplore the use of coercive techniques, we do want to make you aware of them so that you may avoid them.” Although the manual advised methods of coercion similar to those used in the Abu Ghraib prison by U.S. forces, it also carried a prescient observation: “The routine use of torture lowers the moral caliber of the organization that uses it and corrupts those that rely on it...” (“Prisoner Abuse: Patterns from the Past,” National Security Archive Electronic Briefing Book No. 122, The National Security Archive, May 12, 2004)

Bush’s “War Council” of administration attorneys, David Addington, Alberto Gonzales, Jay Bybee, John C. Yoo and William J. Haynes II crafted a legal strategy for “handling” detainees in U.S. gulags that may very well lead to war crimes prosecutions for egregious breeches of international law.

Once this crew decided that “war on terror” detainees had no legal rights under the [Geneva Convention](#) and especially, Common Article 3, it set off a chain of events that ended in state-sanctioned murder and torture.

Nowhere was this grotesque strategy more apparent than in Bush administration moves to draft “enhanced interrogation techniques” for use at its Guantánamo Bay facility. But “what happened at Guantánamo, didn’t stay there,” as the “Gitmo regime” inevitably migrated to Iraq and Afghanistan.

Soon after 9/11, the Pentagon and the CIA “began an orchestrated effort to tap expertise from the military’s Survival, Evasion, Resistance, Escape school, for use in the interrogation of terrorist suspects,” writes *Salon’s* [Mark Benjamin](#), the investigative journalist who exposed the SERE school’s role in implementing a harsh torture regime. Benjamin avers,

SERE training has nothing to do with effective interrogation, according to military experts. Trained interrogators don’t work in the program. Skilled, experienced interrogators, in fact, say that only a fool would think that the training could somehow be reverse-engineered into effective interrogation techniques.

But that’s exactly what the Bush government sought to do. As the plan rolled forward, military and law enforcement officials consistently sent up red flags that the SERE-based interrogation program wasn’t just wrongheaded, it was probably illegal. (“A Timeline to Bush Government Torture,” *Salon*, June 18, 2008)

Last Tuesday, the Senate Armed Services Committee (SASC) held hearings on the evolution of Bush torture policies. Memos and documents released by the committee paint a grim picture of what the administration sought from reverse-engineered SERE tactics.

[Documents](#) released by the SASC revealed that the SERE Training School, administered by

the Joint Personnel Recovery Agency (JPRA), conducted briefings and provided a detailed dossier on SERE tactics to the Pentagon General Counsel William J. Haynes II in July 2002.

Indeed, according to international human rights attorney Philippe Sands,

“There were backchannels, unconnected communications,” involving a military intelligence person and a non-military intelligence person, who was passing information outside. [Former Guantánamo commander Maj. Gen. Mike] Dunlavey couldn’t remember his name. He told me that the most senior Washington lawyers visited Guantánamo, including David Addington, the Vice President’s lawyer, with Gonzales and Haynes, at the end of September before he signed off on his memo. (Torture Team, New York: Palgrave Macmillan, 2008, p. 47)

As Sands and other investigators, such as psychoanalyst [Stephen Soldz](#) have reported, moves to reverse-engineer SERE tactics by Behavioral Science Consultation Teams (BSCT) tasked to the Guantánamo Bay detention facility, following explicit demands by Bush’s team of torture attorneys, led to systematic and widespread detainee abuse. At Guantánamo and elsewhere, BSCT psychologists held operational positions and did not function as mental health providers but rather, were present at Guantánamo for the purpose of instructing personnel in the use of “enhanced interrogation” tactics, torture.

Below, I provide an abridged summary of SERE techniques exported to Guantánamo. Most, though not all, of the descriptions have been omitted, but I have provided SERE’s full explanation of the purpose each technique hoped to achieve. The text is excerpted from documents released by the Senate Armed Services Committee; all are prefaced by the acronym “FOUO,” For Official Use Only.

(Tab 3 – Extracts) July 25, 2002 document entitled “Physical Pressures Used in Resistance Training and Against American Prisoners and Detainees.” Attached to JPRA Memorandum of July 26, 2002.

1. FACIAL SLAP: Typical conditions for application: to instill fear and despair, to punish selective behavior, to instill humiliation or cause insult.
2. WALLING: Typical conditions for application: to instill fear and despair, to punish selective behavior, to instill humiliation or cause insult.
3. SILENCING FACIAL HOLD: Typical conditions for application: to threaten or intimidate via invasion of personal space, to instill fear and apprehension without using direct physical force, to punish illogical, defiant, or repetitive responses.
4. FACIAL HOLD: Typical conditions for application: to threaten or intimidate via invasion of personal space, to instill fear and apprehension without using direct physical force, to punish illogical, defiant, or repetitive responses.
5. ABDOMEN SLAP: Typical conditions for application: to instill fear and despair, to punish selective behavior, to instill humiliation or cause insult.
6. FINGER PRESS: Typical conditions for application: to instill apprehension or insult.
7. WATER: When this tactic is used, water is poured, flicked, or tossed on the subject. ...

Typical conditions for application: to create a distracting pressure, to startle, to instill humiliation or cause insult.

8. BLOCK HOLD: The subject can be sitting, kneeling or standing with their arms extended out straight with the palms up. The interrogator puts a weighted block, 10-15 lbs., on their hands. The subject is required to keep their arms straight, told not to drop the block at risk of additional punishment. Typical conditions for application: to create a distracting pressure, to demonstrate self-imposed pressure, to instill apprehension, humiliation or cause insult.

(AFC Note: the “self-imposed pressure” above is described by Alfred W. McCoy in *A Question of Torture* as self-inflicted pain, that is, a CIA psychological technique to wear down the “subject” by deflecting responsibility for severe pain from the torturer to the tortured. “You are responsible for your suffering; it will stop when you cooperate.”)

9. BLOCK SIT: Using a block with a pointed end that is pointed to the floor, the subject is told to sit on the flat top with feet and knees together. The knees are bent 90 degrees, and the subject is not allowed to spread their legs to form a tripod. The process of trying to balance on this very unstable seat and concentrate on the interrogator’s questions at the same time is very difficult. Typical conditions for application: to create a distracting pressure, to demonstrate self-imposed pressure, to instill apprehension, humiliation or cause insult.

10. ATTENTION GRASP: Typical conditions for application: to startle, to instill fear, apprehension, and humiliation or cause insult.

11. STRESS POSITION: The subject is placed on their knees, told to extend their arms either straight up or straight to the front. The subject is not allowed to lean back on their heels, arch their back or relieve the pressure off the point of the knee. Note: there are any number of uncomfortable physical positions that can be used and considered in this category. Typical conditions for application: to create a distracting pressure, to demonstrate self-imposed pressure, to instill apprehension, humiliation or cause insult.

APPROVED PHYSICAL PRESSURES USED IN OTHER SERVICE SCHOOL RESISTANCE TRAINING PROGRAMS INCLUDE:

1. SMOKE: Pipe tobacco smoke is blown into a subject’s face while in a standing, sitting or kneeling position. ... Typical conditions for application: to instill fear and despair, to punish selective behavior, to instill humiliation or cause insult.

2. WATERBOARD: Subject is interrogated while strapped to a wooden board, approximately 4’x7’. Often the subject’s feet are elevated after being strapped down and having their torso stripped. Up to 1.5. gallons of water is slowly poured directly onto the subject’s face from a height of 12-24 inches. In some cases, a wet cloth is placed over the subject’s face. It will remain in place for a short period of time. Trained supervisory and medical staff monitors the subject’s physical condition. Student may be threatened or strapped back onto the board at a later time. However, no student will have water applied a second time. This tactic instills a feeling of drowning and quickly compels cooperation. Typical conditions for application: to instill fear and despair, to punish selective behavior.

3. SHAKING AND MANHANDLING: Typical conditions for application: to instill fear and despair, to punish selective behavior.

4. GROUNDING: This tactic is using the manhandling pressure and forcefully guiding the

subject to the ground, never letting go. Typical conditions for application: to instill fear and despair, to punish selective behavior.

5. CRAMPED CONFINEMENT (“the little box”): This is administered by placing a subject into a small box in a kneeling position with legs crossed at the ankle and having him lean [sic] forward to allow the door to be closed without exerting pressure on the back. Time and temperature is closely monitored. Typical conditions for application: to instill fear and despair, to punish selective behavior, to instill humiliation or cause insult.

6. IMMERSION IN WATER/WETTING DOWN: Wetting the subject consists of spraying with a hose, hand pressure water cans, or immersion in a shallow pool of water. Typical conditions for application: to instill fear and despair, to punish selective behavior, to instill humiliation or cause insult.

OTHER TACTICS TO INDUCE CONTROL, DEPENDENCY, COMPLIANCE, AND COOPERATION

1. Isolation/Solitary Confinement.

2. Induced Physical Weakness and Exhaustion.

3. Degradation.

4. Conditioning.

5. Sensory Deprivation: When a subject is deprived of sensory input for an interrupted period, for approximately 6-8 hours, it is not uncommon for them to experience visual, auditory and/or tactile hallucinations. If deprived of input, the brain will make it up. This tactic is used in conjunction with other methods to promote dislocation of expectations and induce emotions.

6. Sensory overload: This includes being continually exposed to bright, flashing lights, loud music, annoying/irritating sounds, etc. This tactic elevates the agitation level of a person and increases their emotionality, as well as enhances the effects of isolation.

7. Disruption of sleep and biorhythms.

8. Manipulation of diet.

Despite hearings by the House and Senate into widespread detainee abuse, not a *single* administration official has been brought to justice. This too, should surprise no one since Congress has colluded with the Bush regime’s torture policies and its broader “war on terror” every step of the way.

Tom Burghardt is a researcher and activist based in the San Francisco Bay Area. In addition to publishing in Covert Action Quarterly, Love & Rage and Antifa Forum, he is the editor of Police State America: U.S. Military “Civil Disturbance” Planning, distributed by [AK Press](#).

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