

The History and Evolution of American Torture and Secret Prisons (1898-2008)

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ACRONYMS

GTMO: Guantanamo Bay Detention Camp

GWOT: Global War on Terror

PC: Philippine Constabulary

PIC: Provincial Interrogation Centers

PRU: Provincial Reconnaissance Unit

VBI: Vietnamese Bureau of Investigations

INTRODUCTION

“During my captivity in the camp, I was interrogated and tortured twice. Each time I was threatened that I would be sent to Guantanamo Bay prison. During this period, I heard from my fellow detainees that they were tortured by cigarette burns, injected with hallucinating chemicals and had their rectum inserted with various types of instruments, such as wooden sticks and pipes. They would return to the camp, bleeding profusely. Some had their bones broken.”¹

-Ali Shallal al-Qaisi, Signed Affidavit to the War Crimes Commission, Malaysia, 2008

Ali Shallal al-Qaisi, an Iraqi professor, was one of the 7500 detainees imprisoned at the Abu Ghraib prison by US forces in Iraq between July and December of 2003.² The prison, infamous for torture and abuse when it was run by Saddam Hussein’s regime, continued to live up to its reputation after the US military seized control of the facility during the Iraq War.³ American government personnel directly conducted and oversaw the administration of torture of several thousand detainees during the Global War on Terror. Such policies came to light most prominently when journalists exposed these practices to the American public in 2003 and 2004.

Although the Abu Ghraib Prison scandal shocked millions of Americans and others around the world, the U.S. government’s use of torture as official policy in the conduct of its warfare has a much longer history dating back at least to the Philippine-American War of 1898. In the period between 1898 and 2008, the American government devoted massive amounts of time, energy, and resources to developing and studying torture techniques,

¹"Torture At Abu Ghraib: The Full Sworn Testimony Of Ali Shalal," *Global Research*, 2007, <https://www.globalresearch.ca/bush-war-crimes-tortured-at-abu-ghraib-for-being-anti-zionist-the-man-behind-the-hood/31005..>

² Ibid.

³ Peter Beaumont, "Revealed: Executioner Tells of Mass Slaughter in Saddam's Jails," *The Guardian*, December 3, 2000, <https://www.theguardian.com/world/2000/dec/03/iraq.peterbeaumont>.

including how to construct the ideal physical space in which interrogators should apply their torture. Research on prison structures aided the administration of torture in constructing physical environments that facilitated and ensured the maximum suffering of the victims. The secrecy that increasingly accompanied the creation of these prisons also helped the US government avoid any legal ramifications under international and domestic law. The relationship between the evolution of American practices of torture and the development of secret prisons and interrogation centers is the central focus of this thesis. This thesis argues that from the beginning of the Philippine-American War in 1898 up until the Global War on Terror beginning in 2001, the expansion and development of torture methods and secret prisons was a critical priority of the American military and intelligence apparatus. In order to trace this relationship, this thesis focuses on three major case studies: The American military in the Philippine-American War (1898-1902), the Phoenix Program in the Vietnam War (1965-1972), and the development of black sites during the Global War on Terror (2001-2008).

DEFINITIONS

It is difficult to find a concrete definition of torture due to the malleability of the term and the inherent politicization of the practice. Its definition has often changed to suit and reflect varying interests at varying times during history. The US government, in particular, has exerted considerable efforts in amending the definition of torture to suit its legal and military needs. For the purposes of this thesis, I will use the definition of torture provided in the 1984 United Nations Convention Against Torture, which defines torture as:

any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official

capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.⁴

This definition of torture is the most comprehensive one available today in the legal realm for it encompasses elements of both physical as well as psychological torture. 164 nations are parties to the Convention, including the United States, although the US stipulated several reservations.

Although the term “black site” has made its way into dictionaries in the last two decades, scholarly consensus of what exactly constitutes a black site remains to be concretely established. The term black site is most frequently used to refer to the secret prisons the Central Intelligence Agency set up in countries like Thailand, Afghanistan, etc., after 9/11.⁵ This thesis defines black sites as a usually, but not necessarily, classified facility that operates in an extralegal capacity where a clandestine military or intelligence operation is carried out. In order to trace the history and development of black sites, including its predecessors, this thesis will use the terms “prison” or “secret prison” to refer to the earlier structures and versions of black sites operated by the American government.

LITERATURE REVIEW

The most important work in the history of global practices of torture is *Torture and Democracy* by Darius Rejali.⁶ Rejali details the changes that took place in the global torture

⁴ "Convention Against Torture," *United Nations Human Rights Office Of The High Commissioner*, accessed 8 April 2019, <https://www.ohchr.org/en/professionalinterest/pages/cat.aspx>.

⁵ Leila Sadat, "Ghost Prisoners And Black Sites: Extraordinary Rendition Under International Law," *Case Western Reserve Journal Of International Law* 37, no. 2 (2006). <https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1370&context=jil>.

⁶ Darius M Rejali, *Torture and Democracy* (Princeton, N.J.: Princeton University Press, 2009).

arena, specifically the shift towards what he describes as “clean” or “stealth” torture, by which he means the effort to hide the marks and practices of torture.⁷ He focuses specifically on the democracies of Britain, France, and the United States and argues that torture was first developed in these regions.⁸ Due to freedom of the press and a strong legal system in these nations, Rejali contends that authorities developed torture techniques that left no marks on the victims’ bodies and could not be traced.⁹ Rejali’s book explains why different countries, both democratic and authoritarian, adopted torture and the circumstances under which they did so. One of Rejali’s most important contributions to the literature on torture is the section of his book that traces the origins and history of specific torture techniques as well the migration map of how it spread.

One of the most important experts when it comes to the history and practice of torture in the United States is Alfred McCoy, Professor of History at the University of Wisconsin-Madison. McCoy’s book *Policing America’s Empire: The United States, The Philippines, and the Rise of the Surveillance State* offers an exhaustive look inside the security apparatus of the US colonial administration in the Philippines and the rampant use of torture by American colonial officers.¹⁰ In his 2006 book *A Question of Torture: CIA Interrogation, from the Cold War to The Global War on Terror*, McCoy details how the CIA studied and developed torture techniques that were based on methods practiced by communist and fascist regimes in Europe, particularly that of Joseph Stalin.¹¹ He argues that the paranoia of communism drove the CIA to borrow ideas from the Soviets to enhance their existing

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

¹⁰ Alfred W McCoy, *Policing America's Empire: The United States, The Philippines, and the Rise of the Surveillance State* (University of Wisconsin Press, 2009).

¹¹ Alfred McCoy, *A Question Of Torture* (New York: Henry Holt and Company, 2013).

programs. McCoy specifically discusses MKULTRA and its objective of psychologically breaking down a human being rather than focusing on physical methods in order to “crack the code of human consciousness.”¹² McCoy also analyzes the various ways the CIA spread these techniques to foreign governments, especially during the Cold War, in Latin America and Southeast Asia. In his 2012 book, *Torture and Impunity: The U.S Doctrine of Coercive Interrogation*, McCoy focuses more specifically on the social and legal implications of the United States’ historical approach to torture.¹³ He argues that U.S torture techniques were essentially ineffective. Much like in his previous book, *Torture and Impunity* also researches the global reach of America’s psychological torture program, including how some allied nations engaged in torture in their own regimes using American techniques. McCoy, however, does not focus on the centrality of the structure of secret prisons and black sites to American torture policies, nor does he focus on the evolution of these structures over time.

Michael Otterman, an American journalist, also provides an important history of American torture practices in his book *American Torture: From the Cold War to Abu Ghraib and Beyond*.¹⁴ Otterman argues that the American government used torture long before 9/11 and the Global War on Terror.¹⁵ He details how the American government spent millions of dollars researching and refining techniques of torture, especially during the Cold War.¹⁶ His book also analyzes American “torture schools” in Latin America, the Phoenix Program in Vietnam, and counterterrorism programs during the Cold War to argue that torture has always been a part of American history.¹⁷ Like McCoy, Otterman ignores the role that the actual

¹² Ibid.

¹³ Ibid.

¹⁴ Michael Otterman, *American Torture: From the Cold War to Abu Ghraib and Beyond* (Victoria: Melbourne University Press, 2007).

¹⁵ Ibid.

¹⁶ Ibid.

structure of prisons plays in this story, although he does assess specific prison structures in light of the experiences of prisoners.

This thesis also builds on work that analyzes the shift of torture techniques from merely inflicting physical pain to also inflicting psychological harm. John Marks, a former State Department officer, analyses the CIA's newfound obsession with psychological torture and covert operations during the Cold War in his book *The Search for The Manchurian Candidate*. Marks relied on 16,000 pages of classified CIA documents about mind-control programs such as MKULTRA, many of which shed light on the involvement of individual scientists and universities participating in this research.¹⁸ Marks specifically analyses the CIA's use of LSD on unsuspecting individuals in order to perfect mind control. His scholarly work further details the circumstances under which the CIA turned to scientific torture research in his controversial book *The CIA and the Cult of Intelligence* (the first book that the federal government presented before court by in an effort to censor its contents before publication).¹⁹ Written along with Victor Marchetti, a former CIA agent, the two authors argue that the CIA was at the forefront of a powerful, elite, and exclusive group whose sole purpose was to achieve US foreign policy objectives despite their obvious illegality and harmful consequences.²⁰ At the time of the Cold War, they argue, this objective was to stop the spread of communism. After the end of the Cold War, the organization's objective changed and adapted itself according to whatever was the most pressing need at the time. Most importantly, they argue that the CIA's most important role in the US government was

¹⁷ Ibid.

¹⁸ John Marks, *Search for The Manchurian Candidate* (W.W. Norton, 1992).

¹⁹ Victor Marchetti and John D Marks, *The CIA and the Cult of Intelligence* (New York, NY: Dell, 1989).

²⁰ Ibid.

to maintain and impose the USA's perceived role as the supreme political authority in the Third World.

Although scholars have detailed the history and importance of torture throughout American history, they ignore the links and connections between different moments in American history and how the structure of secret prisons changed over time. This thesis will fill this gap in the literature by providing a historical overview of torture techniques and their relationship with secret prisons as they evolved over time.

METHODOLOGY

This thesis relies on a combination of primary and secondary sources to study the history of American torture programs and their relationship to secret prisons. Congressional Hearings, including the Senate Hearings on the Philippine-American War, the House Operations Subcommittee Investigation on the Phoenix Program, and the Senate Report on the CIA's use of torture post 9/11, all provided important information about the history of American torture practices abroad.

Archival resources also played a key role in this thesis. The National Security Archive at George Washington University holds documents related to Project Bluebird and Project Artichoke, the precursors to MKULTRA. These documents provided insight into why the CIA re-branded its research programs and how the Cold War and advancements of the Soviet Union affected the US government's decision to dedicate significant resources to developing their own programs. These sources also demonstrate why the CIA pushed for a move from physical to psychological torture. In order to assess CIA's approach towards torture, specific techniques, and torture education programs, this thesis relied on declassified versions of the KUBARK Counterintelligence Interrogation Manual, the Human Resource Exploitation Manual, and manuals from the SERE program (Survival, Evasion, Resistance, and Escape) published online as a part of the archive. The National Security Archive also published

several key documents as a part of its “Torture Project.” This database includes an extensive set of documents including internal CIA communications, memos from the Justice Department, and documents that contain detailed descriptions of interrogations that took place at various black sites.

In addition to scholarly work and archival resources, this thesis also relied on a variety of other sources. Investigative journalists were often on the cutting edge in exposing how much the US government managed to conceal from the public over the course of a century. For this reason, this thesis relies heavily on the work of journalists working for newspapers such as *The Guardian*, the *New York Times*, and the *Washington Post* in order to supplement existing information from primary sources. Similarly, the work of NGOs such as the American Civil Liberties Union, the Vera Institute, and the Southern Poverty Law Center also played a critical role in exposing the impact that certain governmental policies had on different segments of American society, specifically communities of color. Organizations such as the ACLU that frequently file lawsuits against the US government also published important primary source findings and reports from their legal research.

EARLY HISTORICAL CONTEXT

The relationship between the American practice of torture and the structures in which that torture was carried out must be situated within a longer historical trajectory of American approaches to crime and punishment, dating to its very origins. Indeed, torture was inextricably linked with American techniques of control and domination of both Native Americans and African-American slaves on the North American continent. American military forces frequently targeted Native American civilians and took over Indian land as part of its domestic imperial project.²¹ In the first 30 years of the nineteenth century, Southern

states saw an increase of about 1,600 new settlers every single day.²² In 1830, President Jackson signed the Indian Removal Act which allowed the government to take over Native lands by force.²³ Several tribes were removed westwards, resulting in the deaths of over 4,000 Cherokees in what is now known as the “Trail of Tears.”²⁴ During this same period, the US government forced other indigenous tribes into “settlements” where they faced restrictions on their freedom of movement.²⁵

These practices accelerated after 1851, when the American Congress passed the Indian Appropriations Act, which created the reservation system for Native American populations.²⁶ These reservations, described as “concentration camps” by historian James Dickerson, were constructed like stockades with the sole purpose of forcing Native Americans to relocate and give up any and all freedoms they might have had.²⁷ These reservations had overcrowding problems, were often unsanitary, and led to the deaths of thousands of Indians as a result of starvation after the U.S. government refused to provide them with adequate food and water.²⁸ Native American accounts of their experiences in these reservations reveal that they viewed themselves as “prisoners” stripped of their freedom.²⁹ This legislation paved the way for the future internment of peoples based on their ethnic and racial origins.

²¹ James Dickerson, *Inside America's Concentration Camps: Two Centuries of Internment and Torture* (Chicago: Lawrence Hill Books, 2011), 18.

²² *Ibid.*, 19.

²³ "Indian Treaties and the Removal Act of 1830," *State Department Office Of The Historian*, accessed 8 April 2019, <https://history.state.gov/milestones/1830-1860/indian-treaties>.

²⁴ *Ibid.*

²⁵ *Ibid.*

²⁶ <https://www.nlm.nih.gov/nativevoices/timeline/317.html>

²⁷ Dickerson, *Inside America's Concentration Camps*, 30.

²⁸ *Ibid.*

²⁹ *Ibid.*

America's attitudes regarding torture, punishment, and imprisonment also applied to the treatment of African-American slaves from their first arrival in the New World in the seventeenth century until their emancipation during the Civil War. The techniques white owners used to control and punish their slaves often fulfilled the definition of what we now consider torture. This included branding their slaves with hot metals, beatings, and rape.³⁰ American slave-owners even constructed slave torture chambers for the purpose of punishment.³¹ A former slave describes one of these chambers as "a dungeon that is so cold that you can't tell the difference between day and night."³² These chambers were often equipped with tools necessary to administer torture, such as whips and ropes.³³

After slavery was abolished in 1865, institutionalized violence against African-Americans continued as Southern states turned to the prison system to subjugate the now emancipated slaves. Although the Thirteenth Amendment to the United States Constitution abolished slavery and involuntary servitude, it reserved the right to use prison labor as a punishment for crime.³⁴ The Southern states exploited this loophole through a system called "convict leasing" in which those convicted of a crime, the majority of whom were African-Americans, would be leased out to private contractors in order to perform hard labor for no cost.³⁵ The conditions that the convicts had to undergo were severe. They regularly faced a

³⁰ Noah Berlatsky, "America Is Built on Torture, Remember?," *Pacific Standard*, 2014, <https://psmag.com/news/cia-america-built-torture-remember-senate-intelligence-committee-report-96398>.

³¹ Damon Fordham, "The Sugar House – A Slave Torture Chamber in Charleston," *The Charleston Chronicle*, November 29, 2017. <https://www.charlestonchronicle.net/2017/11/29/the-sugar-house-a-slave-torture-chamber-in-charleston/>.

³² Ibid.

³³ Ibid.

³⁴ "13th Amendment to the U.S. Constitution: Abolition of Slavery," *National Archives*, accessed 8 April 2019, <https://www.archives.gov/historical-docs/13th-amendment>.

shortage of food, water, and clothing. At convict lease camps, African-Americans were routinely lynched and flogged.³⁶ By the early 1900s, stories of brutal abuse and inhumane conditions at these camps began to gain rapid publicity in American newspapers and eventually swayed public opinion towards abolishing the system of convict leasing in 1928.³⁷ In response, Southern states developed another method of labor, the “chain gangs.” Chain gangs were groups of convicts chained together at the ankles and forced to work on projects such as public roadways as well as farms near prisons.³⁸ These two forms of racialized policing and penal techniques played a significant role in developing the modern day American criminal justice system and shaping American attitudes towards punishment.

Torture has always had a strong influence on American politics, both domestic and abroad, as evidenced in legal documents throughout centuries.³⁹ The Bill of Rights in the United States Constitution prohibits “cruel and unusual punishment” in the Eight Amendment.⁴⁰ Although practices of torture and imprisonment were liberally applied to Native Americans and African Americans with little legal oversight, the use of torture against white Americans, particularly during times of war, faced greater restrictions. Torture continued to take place during the American Civil War, despite Abraham Lincoln’s issuance of the Liber Code in 1863, which prohibited practices of torture during wartime, including

³⁵ "Plantation to Prison," *New York Times*, accessed 8 April 2019, <https://www.nytimes.com/paidpost/netflix-13th/plantation-to-prison.html>.

³⁶ Christopher R Adamson, "Punishment after Slavery: Southern State Penal Systems, 1865-1890," *Social Problems* 30, no. 5 (1983): 555-69. doi:10.2307/800272.

³⁷ "Chain Gangs | Slavery by Another Name," *PBS*, accessed 8 April 2019, <http://www.pbs.org/tpt/slavery-by-another-name/themes/chain-gangs/>.

³⁸ *Ibid.*

³⁹ William L D'Ambruoso, "The Persistence of Torture: Explaining Coercive Interrogations In America's Small Wars" (PhD, University of Washington, 2016).

⁴⁰ "Eighth Amendment," *Legal Information Institute*, accessed 8 April 2019, https://www.law.cornell.edu/constitution/eighth_amendment.

the use of coercive interrogation techniques.⁴¹ With respect to international law and wartime conduct the United States signed (but did not ratify) the Geneva Conventions of 1977 and ratified the UN Convention Against Torture in 1994, with important reservations.⁴² Nevertheless, the practice of torture continued and over time, became a cornerstone of American policing and military policy.

⁴¹ Jenny Gesley, "The "Lieber Code" – The First Modern Codification of the Laws of War | In Custodia Legis: Law Librarians Of Congress," *LOC Blogs*, April 24, 2018.

<https://blogs.loc.gov/law/2018/04/the-lieber-code-the-first-modern-codification-of-the-laws-of-war/>.

⁴² "Convention Against Torture," *United Nations Human Rights Office of The High Commissioner*, accessed 8 April 2019,

<https://www.ohchr.org/en/professionalinterest/pages/cat.aspx>.

CHAPTER 1: THE PHILIPPINE-AMERICAN WAR

Beginning in 1900, Americans were inundated with newspaper reports that detailed American troops' use of torture during their interrogations of Filipinos. These accounts sparked a national debate surrounding the use of torture and the implications of American atrocities committed on a foreign land. Two years later, in May 1902, Republic Senator from Massachusetts George Frisbee addressed the US Senate in a three-hour speech in which he attacked the war and the atrocities committed by American soldiers in the Philippines.⁴³ Senator George's speech in the Senate was a part of the lengthy discussions that took place in the U.S Congress about the conduct of American troops in the Philippines.⁴⁴ The Committee on the Philippine Islands began its hearings in January 1902, and the findings disclosed a pattern of torture administered by American colonial officials.⁴⁵

Torture was, in fact, illegal according to General Order No. 100 passed by President Abraham Lincoln in 1863.⁴⁶ Rule 16 of the Order forbid cruelty for the purposes of revenge and torture for the purposes of confessions. Despite its illegality, and the shock and horror several Americans expressed about the military's behavior in the Philippines, such extreme practices of warfare were in fact an extension of American racial attitudes and policies towards Native Americans on the North American continent. American forces had frequently

⁴³ Richard E Welsh, "American Atrocities in the Philippines: The Indictment and the Response," *Pacific Historical Review* 43, no. 2 (1974): 233-53. doi:10.2307/3637551

⁴⁴ Frank Schumacher, "Marked Severities": The Debate over Torture during America's Conquest of the Philippines, 1899-1902," *Amerikastudien / American Studies* 51, no. 4 (2006): 475-98. <http://www.jstor.org/stable/41158259>.

⁴⁵ Ibid.

⁴⁶ Frank Freidel, "General Orders 100 and Military Government," *The Mississippi Valley Historical Review* 32, no. 4 (1946): 541-56. <http://www.jstor.org/stable/1895240>.

targeted civilians in the process of taking over Indian lands as part of the domestic imperial project. America's colonialism in the Philippines was an extension of these attitudes of American racial superiority and the belief that Filipinos needed civilization that only the Anglo-Saxons could provide.

The United States occupied the Philippine Islands in 1898 after the Treaty of Paris ceded the Spanish colony to them for \$20 million following the Spanish-American War.⁴⁷ On December 21st, 1898, American President William McKinley issued a proclamation, describing his policies for colonial rule in the Philippines in which he assured the Filipinos that "the mission of the United States is one of benevolent assimilation."⁴⁸ On January 1st, 1899, Filipino revolutionary Emilio Aguinaldo responded to McKinley by declaring the Philippine Republic independent and refusing to accept the United States as a legitimate power in the country.⁴⁹ One month following Aguinaldo's proclamation, the Philippine Republic declared war against the American colonial government, officially marking the beginning of the Philippine-American War.⁵⁰

The US military in the Philippines brought with them the mantle of the civilizing mission that dominated American ideologies over the previous century. Indeed, several members of the American Army who fought in the Philippine-American War had previously served in American battles against Native Americans as junior officers.⁵¹ Governmental policies linking American treatment of Native Americans with Filipinos rose to the highest

⁴⁷ "The Philippine Revolution," *The Library Of Congress*, <https://www.loc.gov/collections/spanish-american-war-in-motion-pictures/articles-and-essays/the-motion-picture-camera-goes-to-war/the-philippine-revolution/>.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Christopher J. Einolf, *America In The Philippines, 1899-1902* (Palgrave Macmillan, 2014).

levels. In December of 1900, McKinley explicitly directed the American government in the Philippines to deal with Filipinos the way Congress had dealt with the Indians.⁵² In his official address to the Philippine Commission, he wrote, “In dealing with the uncivilized tribes of the islands the commission should adopt the same course followed by Congress in permitting the tribes of our North American Indians to maintain their tribal organization.... Such tribal governments should, however, be subjected to wise and firm regulation; and ... active effort should be exercised to prevent barbarous practices and introduce civilized customs.”⁵³ Historian Walter Williams analyzed the overlap between senators who had been instrumental in developing policies towards Indians and those who had voted in favor of American imperialist policies in the Philippines.⁵⁴ He found that with only one exception, every single senator who developed policies towards the Indians also voted in favor of annexing the Philippine islands.⁵⁵ Congressional debates about the annexation of Philippines also frequently compared Filipinos to the “uncivilized” and “savage” nature of Native Americans.⁵⁶ Analogies between Native Americans and Filipinos were not restricted to legislative and political circles.⁵⁷ Such attitudes were mirrored outside the institutional realm, with some journalists highlighting the inferiority of the Filipinos by referring to them as “Indians.”⁵⁸

⁵² Walter L Williams, "United States Indian Policy and the Debate over Philippine Annexation: Implications for the Origins of American Imperialism," *The Journal of American History* 66, no. 4 (1980): 810-31. doi:10.2307/1887638

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Ibid.

TORTURE IN THE PHILIPPINES

As Americans fought Filipino resistance efforts to American rule, they resorted to tactics they felt were appropriate in combatting these “uncivilized” Filipinos, which included extreme violence and torture. The earliest documented use of American torture in the Philippines was in December 1899.⁵⁹ An American officer physically assaulted prisoners during interrogations, rendering them unconscious in the process.⁶⁰ Shortly after, the first use of the water cure in the Philippines was exposed in a letter written by an American soldier on March 5th, 1900.⁶¹ According to the letter, the prisoners were laid on their backs and were pinned down by the other military officers stepping on their hands and feet. Then, the mouth of the prisoner was forced open with a stick, after which officers pour a bucket of water on the prisoner’s face. In his letter, the soldier explicitly described the water cure as “torture.”⁶² Historian Christopher J. Einolf has traced the history of the water cure in the Philippines to the local Filipino scouts who were previously commanded by the Spanish, revealing that American practices of torture also drew from the practices of other European colonial rulers.⁶³

Regardless of their origins, the use of torture by American military officials during the war very quickly became systemic. In testimony provided before Congress, Senator E.W. Carmack of Tennessee, who served on the Lodge Committee, argued that according to his knowledge, Americans had established an organized system of torture on the islands and that torture was frequently used by American soldiers against civilian populations, not just

⁵⁹ United States. 1902. *Affairs in the Philippine Islands: hearings before the Committee on the Philippines, United States Senate, [Jan. 31-June 28, 1902], April 10, 1902. Ordered printed as a document.* Washington: Gov't Print. Off.

⁶⁰ Ibid.

⁶¹ Einolf, *America In The Philippines*, 52.

⁶² Ibid.

⁶³ Ibid.

guerilla forces.⁶⁴ In some cases, he noted, people lost consciousness due to the intensity of the pain and were then revived only to be tortured again. In another case, a prisoner was stripped before the water cure was administered with an 8-inch-long barrel.⁶⁵ The man reportedly begged for mercy, but the torturers would not pay any heed. Furthermore, when he was tortured with water, he was also simultaneously beaten.⁶⁶

In May of 1900, colonial officers began to impose a slightly more sophisticated method of torture. With the help of medical professionals, American military men hung prisoners by the neck in order to exert confessions out of them.⁶⁷ These techniques of beating and hanging prisoners started to spread slowly and military courts soon had to deal with mounting cases of abuse.⁶⁸ During the same time period, other cases emerged in the courts that saw American soldiers inflicting heat-related abuse, such as burning prisoners with hot objects and techniques that targeted the breathing functions of prisoners.⁶⁹

As the use of torture became more widespread in 1901, American techniques continued to become more sophisticated. Interrogators tied prisoners with ropes before they laid them on the ground so that they would not be able to struggle when they administered the water cure.⁷⁰ They also contaminated water with foreign particles to make it more painful on the eyes during the administration of the water cure. Sometimes, salt and sand were added to the water. Even though medical professionals were present, they were forbidden from

⁶⁴ United States. 1902. *Affairs in the Philippine Islands: hearings before the Committee on the Philippines, United States Senate, [Jan. 31-June 28, 1902], April 10, 1902. Ordered printed as a document.* Washington: Gov't Print. Off.

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ Ibid.

reviving victims of torture.⁷¹ In most cases, they were present in order to aid the military officers to be more effective and efficient in their means. In order to increase the intensity of the water force, prisoners were placed under larger water tanks where water flowed forcefully through faucets, prolonging the duration of torture.⁷² When a prisoner would be filled with water, army officers would kick or punch his stomach to repeat the process multiple times. In other cases, the “syringe” technique was administered.⁷³ When the syringe of water inserted in the prisoner’s mouth did not produce the intended effects, the syringe was inserted in the detainee’s nose. Sometimes, multiple syringes with salt water would be administered simultaneously. According to reports, as many as 80 American officers would be present in the room when the torture was taking place and around six of them would directly participate in the torture.⁷⁴ One soldier, when testifying on the use of the water cure, provided a detailed report of the manner in which American interrogators applied it:

One of the men of the Eighteenth Infantry went to his saddle and took a syringe from the saddlebag, and another man was sent for a can of water, what we call kerosene can, holding about five gallons. He brought this can of water down from upstairs, and then a syringe was inserted with one end in the water and the other end in his mouth. This time he was not bound but he was held by four or five men and the water was forced into his mouth from the can, through the syringe. [. . .] The syringe did not seem to have the desired effect, and the doctor [Palmer Lyons, a contract surgeon] ordered a second one. The man got a second syringe, and that was inserted in the nose. Then the doctor ordered some salt, and a handful of salt was procured and thrown into the water. Two syringes were then in operation. The interpreter stood over him in the meantime asking for this second information that was desired. Finally, he gave in and gave the information that they sought, and then he was allowed to rise.⁷⁵

⁷¹ Ibid.

⁷² Ibid.

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ Frank Schumacher. "'Marked Severities': The Debate over Torture during America's Conquest of the Philippines, 1899-1902." *Amerikastudien / American Studies* 51, no. 4 (2006): 475-98. <http://www.jstor.org/stable/41158259>.

American military personnel also conducted mock executions. This method involved blindfolding the prisoner and tying their arms around a chair. Then, a gunshot would go off near their ears and they would be struck with a rock in the head, thus believing that they had been shot in the head. When these methods failed to elicit confessions, American interrogators would escalate the intensity of the techniques they used. In one case, interrogators stripped a prisoner naked, hung him by his wrists and pulled him down by another set of ropes tied around his ankles.⁷⁶ Then they beat him repeatedly in that position.⁷⁷ Some victims also faced more unique torture techniques; American interrogators “tied prisoners by the elbows all day and night,” left them in the scorching heat for long periods, and deprived them of access to food and water.⁷⁸

Although many members of the American Army were court-martialed for using torture against Filipinos, the use of torture continued. In fact, it became a much more rampant practice between 1901 and 1902, in part because it received the public support of military officers. Captain Edwin F. Glenn, a commanding officer in the US Army, explicitly approved the use of torture as a “standard operating procedure” within his unit.⁷⁹ By 1901, court-martials and investigations on the matter became increasingly infrequent and the use of the water cure along with mock executions and slow hanging became more acceptable as common practice throughout the Philippines.⁸⁰ In 1902, Lieutenant Grover Flint testified to the Senate that the water cure did not “permanently hurt” and that it induced a suffering of a

⁷⁶ United States, *Affairs in the Philippine Islands: Hearings before the Committee on the Philippines, United States Senate, [Jan. 31-June 28, 1902], April 10, 1902. Ordered printed as a document.* Washington: Gov't Print. Off.

⁷⁷ Ibid.

⁷⁸ Ibid

⁷⁹ Einlof, *America In the Philippines*, 61.

⁸⁰ Ibid.

man who “is drowning but cannot drown.”⁸¹ Flint’s testimony attested to the widely held belief that the technique was effective. His testimony also revealed that those who held positions of power in the American military did not view the water cure as “torture.” This belief was confirmed when Captain Glenn was personally court martialed by President Roosevelt after several members of his unit testified before the Senate regarding his use of torture.⁸² When he was facing court-martial, Glenn defended himself by arguing that the water cure was a military necessity and was only “uncomfortable and frightening” and not “torture.”⁸³

The use of torture, and the water cure in particular, was never officially codified, nor was it included in official written orders issued by commanding officers. Instead, the practice spread informally amongst officers in different units. Even though interrogators used several methods of torture, the water cure quickly became the preferred method throughout the Philippines.⁸⁴ The widespread belief that torture was effective in interrogation likely fueled the rise in the practice. Due to the lack of official orders, most scholars contend that officers learned to administer the cure by observing fellow officers use it, particularly military men from Captain Glenn’s unit.⁸⁵ The fact that the American use of torture was so widespread by 1902 meant that most commanding officers were aware of the actions performed by their subordinates, and most likely encouraged it. The question of guilt, responsibility, and whether American military officers were justified in permitting their subordinates to employ

⁸¹ Ibid.

⁸² Einloff, *America In the Philippines*, 1.

⁸³ United States. 1902. *Affairs in the Philippine Islands: Hearings before the Committee on the Philippines, United States Senate, [Jan. 31-June 28, 1902], April 10, 1902. Ordered printed as a document.* Washington: Gov't Print. Off.

⁸⁴ Ibid.

⁸⁵ Einlof, *America In the Philippines*, 76.

unusually cruel techniques of torture during the war dominated the ensuing debate at home as the news about affairs in the Philippine Islands became more widespread.

CONCENTRATION CAMPS

This rise in the use of torture coincided with the phase of the Philippine-American War where violence and guerrilla warfare increased exponentially.⁸⁶ As guerilla warfare escalated in 1901, American colonial officers began to come up with new ways to solidify their control on the islands. Franklin J. Bell, an American army officer who was in charge of the First District of Northern Luzon, designed a policy of interning Filipinos into concentration camps, or “reconcentrados” as they were known, that were designed to isolate and separate the guerillas from the noncombatants who were supporting their cause.⁸⁷ On December 8th, 1901, Bell issued a directive to the station commanders in his brigade outlining his plans for the internment of Filipinos into specific geographical “zones” in the Batangas, a province in the Luzon region of the Philippine Islands.⁸⁸ While Bell’s order did not make it mandatory for Filipinos to move into these zones, his brigade commanders issued another order that made it clear that the homes of those who remained outside these zones would become “liable to confiscation or destruction.”⁸⁹ General Bell also closed off all the ports in the Batangas region and ensured that Filipinos were prohibited from leaving the zones without written authorization from the commanding officer.⁹⁰ Bell was also extremely strict about ensuring that nobody in the camps provided any sort of aid to the guerilla effort. In another directive, Bell warned that “those strongly suspected of complicity with the

⁸⁶ Ibid.

⁸⁷ Glenn Anthony May, *Battle for Batangas* (Quezon City: New Day, 1993), 242.

⁸⁸ Ibid., 249.

⁸⁹ Ibid., 250.

⁹⁰ Ibid.

insurrection may be arrested and confined as a military necessity and may be held as prisoners of war in the discretion of the station commanders.”⁹¹

Conditions in the “reconcentrados” were bleak. The camps were overcrowded and there was a dire lack of clothing and access to food.⁹² In some cases, over 600 Filipinos were herded into a single room.⁹³ The American military officers also administered torture techniques within these camps, such as the water cure.⁹⁴ Between January and April 1902, the mortality rates in the camps sharply increased.⁹⁵ Around 8,300 people died in the Batangas over that period and at least 61% of those deaths directly occurred in the concentration camps.⁹⁶

In the Senate hearings, US military personnel insisted on numerous occasions that the concentration camps were created for the purpose of protecting Filipinos.⁹⁷ In his testimony before Congress, Colonel Boyd Wagner stated that the purpose of the concentration camps were twofold.⁹⁸ The camps were meant to offer protection to innocent Filipino civilians who had been compelled by the guerilla revolutionaries to provide them with food and water.⁹⁹ Wagner stated that the Filipino civilians were “constantly complaining” to American authorities about revolutionaries, and so the concentration camps offered a solution allegedly

⁹¹ Ibid., 251.

⁹² Ibid., 262.

⁹³ Ibid.

⁹⁴ Ibid.

⁹⁵ Ibid.

⁹⁶ Ibid.

⁹⁷ United States, *Affairs in the Philippine Islands: Hearings before the Committee on the Philippines, United States Senate, [Jan. 31-June 28, 1902], April 10, 1902. Ordered printed as a document.* Washington: Gov't Print. Off.

⁹⁸ Ibid.

⁹⁹ Ibid.

desired by the Filipinos.¹⁰⁰ The second purpose of these camps, according to Wagner, was to gather all the food supplies in the region and concentrate them in the camps so that the guerilla forces would be starved.¹⁰¹ Another military official, General Robert P. Hughes, stated that the concentration camps were not intended as punishment, but instead were created in the best interests of Filipinos.¹⁰² He also emphasized that the concentration camps were meant to allow the Filipino civilians to peacefully relocate back to their homes after the war was over.¹⁰³ Although sold as a “benevolent” approach to Filipinos, in reality, the conditions in the camps would result in thousands of deaths over the course of the war.

DEBATE ABOUT TORTURE IN THE UNITED STATES

The American press began to circulate rumors of military misconduct in 1900, most of which originated from soldiers’ letters to their families back home. By the spring of 1902, stories of torture and the use of the water cure flooded the realm of mainstream news and exposed Americans to the realities of the Philippine-American War.¹⁰⁴ The reactions to the reports varied among different groups in the United States; the President, members of congress, intellectuals and the American public all had their own distinct reaction to the scandal that had erupted. At the presidential level, Theodore Roosevelt, who had taken over the presidency after McKinley’s assassination in September of 1901, justified the practices of American troops. In private correspondent to a friend in July 1902, Roosevelt wrote that the American army had done a good job in the Philippine Islands except for “some blots on the record.”¹⁰⁵ These “blots,” he noted, were in reaction to Filipinos themselves who were violent

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

¹⁰² Ibid.

¹⁰³ Ibid.

¹⁰⁴ Welch, Richard E., "American Atrocities in the Philippines: The Indictment and the Response," *Pacific Historical Review* 43, no. 2 (1974): 233-53. doi:10.2307/3637551

towards the Americans. Furthermore, he claimed that there was no actual or serious damage suffered by the Filipinos due to the water cure, which he referred to as “mild.”¹⁰⁶ Still, Roosevelt wrote, torture was not something that he could tolerate. This rhetoric was consistent with the speech Roosevelt delivered a few months later on Memorial Day at Arlington National Cemetery on May 30th 1902.¹⁰⁷ In this speech, President Roosevelt praised the American military for achieving the “triumph of civilization over forces which stand for the black chaos of savagery and barbarism.”¹⁰⁸ Roosevelt acknowledges that there were “acts of cruelty” committed by officers due to the stress of the conditions and the “provocation” they faced in the Philippines.¹⁰⁹ He justified these acts by asserting that for every guilty act committed by an American military man, hundreds of acts of worse cruelty were committed by the Filipinos towards the troops. American cruelties were “wholly exceptional” and “shamelessly exaggerated.”¹¹⁰ Although dismissive of the suffering endured by Filipino victims at the hands of American troops, President Roosevelt appeared, at least in his public speeches, to be somewhat apologetic of the torture he believed should have been avoided in what he maintained was an otherwise humane war.

Elihu Root, the Secretary of War, did not share any of Roosevelt’s apologetic sentiments. In a report entitled “Charges of Cruelty, Etc., to the Natives of the Philippines,” Root described in detail the allegations of abuse and torture committed by Filipinos against

¹⁰⁵ Theodore Roosevelt and Elting E Morison, *The Letters of Theodore Roosevelt* (Cambridge Mass.: Harvard University Press, 1951).

¹⁰⁶ Ibid.

¹⁰⁷ Theodore Roosevelt, *Theodore Roosevelt Papers: Series 5: Speeches and Executive Orders, -1918; Subseries 5A: Speeches and Executive Orders, -1918, Jan. 2-1902, May 30. 1899. Manuscript/Mixed Material. <https://www.loc.gov/item/mss382990690/>.*

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

other Filipinos and American soldiers.¹¹¹ Root argued that the water cure was rarely administered by Americans and was in fact widespread amongst the Filipino Macabebe Scouts, not the Americans.¹¹² He framed any case of American aggression against the locals as merely a justifiable and understandable response to the violent and savage tendencies of the natives themselves, and argued that the water cure was never fatal.¹¹³

While the President and his administration scrambled to deliver to the American public ideals of bravery and courage embodied by the American troops in the Philippines, Congress continued to debate the issue in the Senate. Senator George Frisbie Hoar of Massachusetts emerged as one of the leading voices to speak out against the atrocities committed by American soldiers in the Philippines. Hoar argued that America had lost its morality and principles over the course of the war, and that it had become the violent imperial power it sought to protect the Filipinos from in the first place.¹¹⁴ Senator Hoar also urged for an independent review committee to be set up to study the atrocities committed in the Philippines.¹¹⁵ Although he desired that a study be specifically dedicated to this cause, Senator Henry Lodge decided to conduct hearings in his existing committee on the Philippines, which had a much broader focus and included topics on military strategy, colonial policing, and general political affairs.

¹¹¹ United States, *Affairs in the Philippine Islands: hearings before the Committee on the Philippines, United States Senate, [Jan. 31-June 28, 1902], April 10, 1902. Ordered printed as a document.* Washington: Gov't Print. Off.

¹¹² Ibid.

¹¹³ Ibid.

¹¹⁴ George Frisbie Hoar, *Speech of Hon. George F. Hoar ... in the Senate of the United States, April 17, 1900*, Washington.

¹¹⁵ Paul Kramer, "The Water Cure: Debating Torture and Counterinsurgency—A Century Ago," *The New Yorker*, February 17, 2008, <https://www.newyorker.com/magazine/2008/02/25/the-water-cure>.

Other important dissenting voices were those of activists and non-political elites. Herbert Welsh, a Native-American rights activist, lobbied his local Philadelphia government in 1901 to investigate the use of torture, forcing the topic to further enter the public realm.¹¹⁶ Welsh consolidated interviews from returning soldiers and published them in newspapers. He also convinced several other soldiers to testify before Senator Lodge's Committee. Welsh portrayed the debate about the American use of torture and the debate about American imperialism through the lens of Christian morality.¹¹⁷ The famous author Mark Twain, another leading anti-imperialist, also condemned the American campaign in the Philippines by frequently writing for the Anti-Imperialist League and offering an image of the American flag whose "stars have been replaced by skull and crossbones."¹¹⁸

The pressure mounted on Senator Lodge's committee and they summoned several witnesses to testify on the use of torture. During these hearings, several soldiers exposed Captain Glenn's extensive approval of the use of torture in his unit. After his court-martial trial, the military court suspended Glenn for one month and charged him a fine of \$50, an extremely light sentence that served to further normalize the practice.¹¹⁹ His case, however, underwent a review and Judge-Advocate General George Davis rejected Glenn's argument and found him in violation of the military codes initially developed under Abraham Lincoln.¹²⁰ In his review, Judge Davis also drew an important connection between the use of

¹¹⁶ Ibid.

¹¹⁷ W. Fitzhugh Brundage, *Civilizing Torture* (Harvard University Press, 2018).

¹¹⁸ Michael Lind, "Teddy Roosevelt, Mark Twain and The Fight Over American Imperialism," *New York Times*, 2017, <https://www.nytimes.com/2017/01/27/books/review/true-flag-stephen-kinzer.html>.

¹¹⁹ Frank Schumacher, "'Marked Severities': The Debate over Torture during America's Conquest of the Philippines, 1899-1902," *Amerikastudien / American Studies* 51, no. 4 (2006): 475-98. <http://www.jstor.org/stable/41158259>.

¹²⁰ Ibid.

torture in the Philippines and international law, writing: “No modern state, which is a party to international law, can sanction, either expressly or by a silence which imports consent, a resort to torture with a view to obtain confessions as an incident to its military operations. If it does, where is the line to be drawn?”¹²¹ Despite Judge Davis’ review and his insistence that Captain Glenn violated military law, Glenn retained his position and was later promoted to Major General during World War I.¹²² In contrast, one of his Filipino torture victims was tried by another American military court for being a part of the Philippine resistance forces and the court sentenced him to ten years of hard labor for being in violation of American laws of war.¹²³

The practices of torture that took place during the Philippine-American War over a century ago demonstrates that they have long been entrenched in American military policies. Although met with outrage and criticism by Americans back home, this would not end the its use during the war. The use of torture occurred in several areas including prisons, concentration camps, as well as in American military units.¹²⁴ The practice was normalized by military officers, the president, and in American culture itself. An American soldier’s song about the water cure was even published in a military newspaper as well as *Life* magazine in 1902.¹²⁵ Whether racism or satire drove the song’s lyrics, which merged ideals of liberty and practices of brutality, the song serves as an important reminder that torture was always widely normalized in the American psyche. Its reference to a slur used against African

¹²¹ Ibid.

¹²² Ibid.

¹²³ Ibid.

¹²⁴ United States, *Affairs in the Philippine Islands: Hearings before the Committee on the Philippines, United States Senate, [Jan. 31-June 28, 1902], April 10, 1902. Ordered printed as a document*, Washington: Gov't Print. Off.

¹²⁵ Schumacher, "Marked Severities," *Amerikastudien / American Studies* 51, no. 4 (2006): 475-98. <http://www.jstor.org/stable/41158259>.

Americans also demonstrated the important links between brutality and racism at home and abroad.

“Get the good syringe boys and fill it to the brim
We’ve caught another ‘nigger’ and we’ll operate on him
Let someone take the handle who can work with a vim
Shouting the battle cry of freedom
We’ve come across the bounding man to kindly spread around
Sweet liberty where there are rebels to be found
Come hurry with the syringe, boys, we’ve got them down and bound
Shouting the battle cry of freedom

CHORUS

Oh, pump it in him till he swells like a toy balloon
The fool pretends that liberty is not a precious boon
But we’ll contrive to make him see the beauty of it soon
Shouting the battle cry of freedom”¹²⁶

¹²⁶ Ibid.

CHAPTER 2: THE VIETNAM WAR

On November 12th, 1969, the Dispatch News Service, an anti-Vietnam War news agency based in Washington D.C., published a story entitled “Lieutenant Accused of Murdering 109 Civilians.”¹²⁷ The story, written by investigative reporter Seymour Hersh, won a Pulitzer Prize for exposing the details of the My Lai Massacre to the American public.¹²⁸ As Hersh’s article revealed, around 100 American soldiers arrived in a village called My Lai in South Vietnam and massacred all of its inhabitants; 504 people were murdered, including women, children and the elderly.¹²⁹ Not only did American soldiers open fire indiscriminately, they also raped younger women.¹³⁰ It was later revealed that no member of the Viet Cong was even present in the villages; every single victim was an innocent civilian.¹³¹ Around the same time that Hersh broke the story, 250,000 people marched in Washington D.C. calling for the Vietnam War to come to an end.¹³²

Hersh continued to report on the war crimes that took place in Vietnam, drawing heavily from testimony provided by Vietnam War veterans returning from the field. As part of the U.S.’s first “televised war,” cable news stations in America began to broadcast photographs of the My Lai Massacre on television. To this date, the My Lai Massacre

¹²⁷ Ian Shapira, “‘It was Insanity’: At My Lai, U.S. Soldiers Slaughtered Hundreds of Vietnamese Women and Kids,” *Washington Post*, March 16, 2018, https://www.washingtonpost.com/news/retropolis/wp/2018/03/16/it-was-insanity-at-my-lai-u-s-soldiers-slaughtered-hundreds-of-vietnamese-women-and-kids/?utm_term=.c2344c569d53

¹²⁸ Ibid.

¹²⁹ Ibid.

¹³⁰ Seymour M. Hersh, “Coverup—I,” *The New Yorker*, January 14, 1972. <https://www.newyorker.com/magazine/1972/01/22/i-coverup>

¹³¹ Ibid.

¹³² Ibid.

continues to be the most significant marker of a gruesome, bloody war that the American government chose to wage in Southeast Asia. Hersh's exposé intensified the anti-war opposition in the United States and played a significant role in forcing American troops to pull out of Vietnam.¹³³

American soldiers' atrocities at My Lai, however, were not an aberration but rather representative of a larger American strategy in Vietnam which involved resorting to extreme warfare. Throughout the Vietnam War, which lasted almost two decades, the American government frequently engaged in torture against the Vietnamese, which they justified in part on their belief that the Vietnamese, like Filipinos seven decades earlier, were more violent and uncivilized than white Americans. In 1968, CIA officers in Vietnam designed the Phoenix Program that codified these beliefs into a concrete strategy. The Phoenix Program was designed as a counterinsurgency initiative to capture and interrogate members of the Viet Cong, the communist organization of the North Vietnamese, and Vietnamese civilians who allegedly supported them.¹³⁴ The program marked the first time in American history that the government and the CIA recognized the close relationship between the administration of torture techniques and the structure of the physical spatial location where torture was inflicted. But the development and execution of the Phoenix Program was not an isolated initiative; it was greatly influenced by previous CIA's operations in the 1950s and 1960s and America's intelligence priorities during the Cold War.

THE EARLY COLD WAR AND ITS IMPLICATIONS ON TORTURE IN VIETNAM

The American government's paranoia about Soviet technology, communism, and military techniques peaked in the decades following World War II.¹³⁵ Widespread fears about

¹³³ Ibid.

¹³⁴ Michael Otterman, *American Torture: From the Cold War to Abu Ghraib and Beyond* (Victoria: Melbourne University Press, 2007), 59

Soviet research into “mind control” and “hypnosis” techniques encouraged the CIA to actively develop their own research programs that went beyond purely physical torture techniques to focus more heavily on psychological and mental torture. The CIA’S Office of Scientific Intelligence spent millions of dollars between 1951 and 1962 on research programs in psychological warfare.¹³⁶ The creation of such programs reveals the extent to which the CIA valued psychological interrogation techniques during the early Cold War, marking a clear shift from purely conventional interrogation tactics and techniques of torture.

For the most part, the CIA did not conduct this research itself. Instead, it relied on the work of private institutions, scientists, and universities, who were largely unaware that they were under CIA orders.¹³⁷ This secrecy was achieved through coordination with other government departments and federal funds given to these entities under the umbrella of furthering “scientific research.”¹³⁸ The CIA conducted psychological experiments on both Americans as well as citizens of other nations, in most cases, without their consent. Research areas included mind control, mental coercion techniques, hypnosis, and drug usage. The CIA also designed a clandestine program called MKUltra that studied the usefulness of LSD and other drugs for the purposes of torture, interrogation, and mind control.¹³⁹

Although the U.S government officially developed the MKUltra program in 1953, it was formed out of a previous program, Project Bluebird, begun in 1950 and later renamed Project Artichoke in 1951.¹⁴⁰ Project Bluebird/Artichoke was initiated by the CIA’s Office of Scientific Intelligence and developed in conjunction with the Army, Navy, and Air Force.

¹³⁵ Ibid.

¹³⁶ Alfred McCoy, *A Question of Torture* (New York: Henry Holt and Company, 2013), 27.

¹³⁷ Ibid.

¹³⁸ Ibid.

¹³⁹ Ibid., 28.

¹⁴⁰ Ibid

It's primary goal was to research interrogation methods, hypnosis, and drug withdrawals as form of torture and mind control.¹⁴¹ Project Artichoke/Bluebird had a very specific psychological focus and aimed to exploit the apparent mind-control capabilities that the American government believed Soviet intelligence agencies had already mastered.¹⁴² CIA psychiatrists conducted their experiments in remote safe-houses located in the United States, where they injected various chemicals into their human subjects after which the scientists aimed to induce three different stages of psychological control.¹⁴³ First, a false memory was introduced into the subject's mind within 15-20 minutes.¹⁴⁴ Second, another false memory was introduced for a longer duration of time.¹⁴⁵ Third, the procedure was repeated, but with the added element of an interrogation.¹⁴⁶ This project began the research that would later be absorbed by MKUltra the following year.

MKUltra was divided into 149 subprojects and the CIA employed several psychiatrists, psychologists, and biologists to work on the research.¹⁴⁷ MKUltra's research relied heavily on the usage of LSD as an agent of mind control. Since a Swiss company held a patent for the production of LSD in the 1950s, there was no secure source of LSD in the United States itself.¹⁴⁸ Due to this technical obstacle, the CIA spent \$400,000 of taxpayer's dollars to develop their own LSD for experimental purposes.¹⁴⁹ One third of MKUltra's subprojects focused on developing non-chemical techniques of psychological warfare and

¹⁴¹ Ibid.

¹⁴² Colin Ross, *The CIA Doctors* (Manitou Communications, 2006), 34.

¹⁴³ Ibid., 39

¹⁴⁴ Ibid.

¹⁴⁵ Ibid.

¹⁴⁶ Ibid.

¹⁴⁷ Ibid., 58.

¹⁴⁸ Ibid., 59.

¹⁴⁹ Ibid.

mind-control.¹⁵⁰ The CIA also conducted this research through third-party “unwitting contractors” who were unaware that the funding for their research originated from the CIA.

Some of the most significant products of MKUltra were the training manuals developed in these programs. Among these was a 1963 interrogations training manual titled *KUBARK Counterintelligence Interrogation*. The KUBARK manual detailed various interrogation techniques that included torture and relied heavily on the two main tenants of the research programs conducted in the 1950s and 1960s: sensory deprivation and self-inflicted pain.¹⁵¹ Thus, the early Cold War era marked a historical moment where the American focus on torture escalated and became a central feature of American military strategy. The extent of the research conducted on the development of American torture techniques during this time demonstrated the increased reliance of the American government on the administration of torture and the development of prisons. The Phoenix Program that the CIA implemented in Vietnam was thus an extension of the organization’s dedication to developing independent, tailor made projects that would ensure maximum pain and suffering of victims exposed to torture.

THE PHOENIX PROGRAM

The United States’ involvement in Vietnam was driven by Cold War objectives of containing communism, but its military strategies also extended and drew on racialized imperialist ideologies that mirrored the American occupation of the Philippines.¹⁵² After the Geneva Conference ended French imperial control of Vietnam in 1954, CIA forces arrived in the country to provide support to the government in South Vietnam.¹⁵³ The CIA also began providing official training and resources to the newly created Vietnamese Bureau of

¹⁵⁰ Ibid., 60.

¹⁵¹ McCoy, *A Question of Torture*, 8.

¹⁵² Nick Turse, *Kill Anything That Moves* (New York: Picador, 2014), 9.

¹⁵³ Ibid.

Investigations (VBI), which had been modeled on the FBI.¹⁵⁴ The VBI operated its own police force and was responsible for training officers in interrogation tactics and surveillance methods.¹⁵⁵ Much of the funding for the VBI came from the State Department's Office of Public Safety (OPS), which was founded with the primary aim of providing security assistance to countries in the Third World that were susceptible to communist influence.¹⁵⁶ In the decade between 1961 and 1971, the VBI and other government entities in South Vietnam received \$85 million from the American government, which was then used to fund military resources, training institutions, and interrogation centers.¹⁵⁷ The American government thus played an active role in developing and executing military strategies in the Vietnam War not only by providing troops on the ground, but also by funding and training the Southern Vietnamese to interrogate prisoners.

The institutional structure and goals of the Phoenix Program, which began in 1965, was particularly significant with respect to tracing the trajectory of American torture and black sites. The CIA developed the Phoenix Program with the specific aim of bringing down the Viet Cong or the National Liberation Front, the communist backed political and military organization in the Vietnam War.¹⁵⁸ The two primary constituents of the Phoenix Program were the Provincial Reconnaissance Units (PRUs) and Provincial Interrogation Centers (PICs).¹⁵⁹ The PRUs were tasked with seeking out civilians who could potentially provide intelligence about the Viet Cong while the interrogation centers provided the appropriate environment for CIA interrogators to torture captured civilians in an attempt to extract

¹⁵⁴ Otterman, *American Torture*, 60.

¹⁵⁵ *Ibid.*

¹⁵⁶ *Ibid.*, 61.

¹⁵⁷ *Ibid.*

¹⁵⁸ *Ibid.*

¹⁵⁹ *Ibid.*, 63.

intelligence.¹⁶⁰ Once this intelligence was extracted, information would be transferred back to the PRUs which would then analyze it to further dismantle the Viet Cong. Thus, the CIA managed to create an institutionalized, centralized, and closely-knit system of intelligence collection in South Vietnam. Through this choice of organization, the American government, for the first time in its history, acknowledged the importance of a carefully constructed physical location for the administration of torture.

Indeed, the CIA's main objective through the Phoenix Program was to simultaneously consolidate and expand the counterinsurgency and intelligence operations that were taking place in South Vietnam.¹⁶¹ Peer DeSilva, the new CIA Saigon Station Chief, wanted to create a program that would be effective in matching the "political and psychological impact" he believed the Viet Cong mastered.¹⁶² In order to achieve this objective, the CIA sent four advisers to South Vietnam to train their Vietnamese counterparts in the art of interrogation.¹⁶³ Much of this training involved CIA officials educating the South Vietnamese about physical and psychological torture. According to one CIA agent, "In place of the old French methods of crude physical torture, the Vietnamese had been retrained with more sophisticated techniques."¹⁶⁴ Within a year of DeSilva's leadership, over forty provinces in the region had created Province Intelligence Coordination Committees and Provincial Intelligence Centers.¹⁶⁵ The internal structure of the Phoenix Program ensured that the CIA's ideologies and approaches towards interrogations infiltrated even the smallest military units in South Vietnam.

¹⁶⁰ Ibid., 64.

¹⁶¹ McCoy, *A Question of Torture*, 89.

¹⁶² Ibid.

¹⁶³ Ibid.

¹⁶⁴ Ibid.

¹⁶⁵ Ibid.

The Phoenix Program expanded in 1967 when the American government created the Civil Operations and Rural Development Support (CORDS).¹⁶⁶ Under this new structure, the CIA absorbed several dispersed groups, both American and Vietnamese, into one centralized bureaucracy.¹⁶⁷ President Lyndon Johnson appointed Robert Komer to head the new CORDS structure in Vietnam.¹⁶⁸ In order to familiarize himself with the Phoenix Program as well as the war effort in South Vietnam, Komer contacted Nelson H. Brickham, a senior CIA analyst who was an expert on the Phoenix Program and its structure.¹⁶⁹ Brickham wrote to Komer his short summary and analysis where he emphasized the importance of coordination among the various war efforts in South Vietnam, one of the major objectives of CORDS.¹⁷⁰ His recommendations included the “proper design of a management reporting system” and a “top management investigative or inspection function.”¹⁷¹ The CIA, with the endorsement of Komer, approved funding to implement these recommendations and other logistical proposals put forth by Brickham, paving the way for the Phoenix Program under the support of CORDS to co-opt the local South Vietnamese in implementing their aims. By the 1970s, CORDS employed around 5,500 Americans and 550,000 Vietnamese and had a budget of \$1.5 billion.¹⁷²

In developing the Phoenix Program, the CIA implemented techniques of psychological terror, continuing the Cold War era trend in American approaches to torture. The CIA developed the interrogation centers and Provincial Reconnaissance Units simultaneously in order to maximize their perceived effectiveness. The theoretical framework

¹⁶⁶ Ibid., 90.

¹⁶⁷ Ibid.

¹⁶⁸ Ibid.

¹⁶⁹ Ibid.

¹⁷⁰ Ibid.

¹⁷¹ Ibid.

¹⁷² Ibid., 93.

for establishing these two components at the same time was based in the 1963 edition of FM 33-5 Psychological Operations Manual.¹⁷³ The manual designated “enemy civilians” as a legitimate target in war and detailed the positive benefits of isolating them with the objective of weakening opposition efforts.¹⁷⁴ According to the manual, instilling fear and doubt in enemy civilians was key to targeting the strength of the enemy.¹⁷⁵

The Phoenix Program also relied heavily on American military and intelligence manuals that were written in the early days of the Cold War under projects Bluebird/Artichoke and MKULTRA. These manuals emphasized the importance of interrogations conducted in a specific style with a specific physical setting. Many of these techniques were drawn from the KUBARK manual, with psychological explanations driving their objectives. Indeed, the first section of the KUBARK manual placed a restriction on interrogations: “For ethical and pragmatic reasons, no interrogator may take it upon himself the unilateral responsibility for using coercive methods.”¹⁷⁶ However, the rest of the manual read like a torture training document with complete disregard for “ethical and pragmatic reasons.”¹⁷⁷ This warning was also significant because it revealed that according to the KUBARK training manual, interrogators could not use torture without approval from higher-ups. In the next section, titled “A Theory of Coercion,” the manual detailed the “principal coercive techniques of interrogation” which included “arrest, detention, deprivation of sensory stimuli through solitary confinement or similar methods, threats and fear, debility, pain, heightened suggestibility and hypnosis, narcosis, and induced regression.”¹⁷⁸

¹⁷³ Otterman *American Torture*, 62.

¹⁷⁴ United States Army, *Psychological Operations Manual* (Washington, D.C., 1979), <https://fas.org/irp/doddir/army/fm33-1.pdf>.

¹⁷⁵ Ibid.

¹⁷⁶ “KUBARK Counterintelligence Interrogation,” July 1963. File: KUBARK, Box 1, CIA Training Manuals, National Security Archive.

¹⁷⁷ Ibid.

Adhering to the guidance provided by the manuals, the PRUs would carefully time the arrest of any suspect. According to KUBARK, “one should arrest him at a moment when he least expects it and when his mental and physical resistance is at its lowest.”¹⁷⁹ Once officials captured a high value detainee, they would transfer the individual to the Saigon National Interrogation Center.¹⁸⁰ There, CIA officials and VBI officers would administer techniques of torture on prisoners accused of hiding crucial information. These techniques included electric shocks, beatings, and even early forms of waterboarding, including positioning a tap over the prisoner’s nose and dripping water slowly into their nose for multiple days.¹⁸¹ Some prisoners were also starved for several days. Once again, these techniques were borrowed directly from the “Detention” section of the KUBARK manual, which operated on the theory that a “man’s sense of identity depends upon a continuity in his surroundings, habits, appearance, actions, relations with others, etc. Detention permits the interrogator to cut through these links and throw the interrogatee back upon his own unaided internal resources.”¹⁸²

One of the most important recorded examples of the American endorsement and practice of torture during the war was the testimony of Lieutenant Colonel Anthony Herbert, a battalion commander with the 173rd Airborne Brigade whose denouncement of American torture practices later triggered a criminal investigation conducted by the 172nd Military Intelligence in Vietnam.¹⁸³ According to his testimony, the first time Herbert witnessed torture

¹⁷⁸ Ibid.

¹⁷⁹ Ibid.

¹⁸⁰ Otterman, *American Torture*, 66.

¹⁸¹ Ibid.

¹⁸² “KUBARK Counterintelligence Interrogation.” July 1963. File: KUBARK, Box 1, CIA Training Manuals, National Security Archive.

¹⁸³ Nick Turse, *Kill anything that Moves: The Real American War in Vietnam* (New York: Henry Holt and Company, 2013), 183.

was when a member of his team conducted waterboarding on a Vietnamese detainee.¹⁸⁴ The next time, Herbert walked in on an American captain electrocuting a young Vietnamese girl using the “field telephone method” where field telephone’s electrical lines were used to inflict electrical shocks on detainees.¹⁸⁵ Herbert recalled that the girl was in extreme physical and emotional distress.¹⁸⁶ When Herbert reported these incidents to his supervisor, he was told that it was none of his business.¹⁸⁷ His superior’s attempt to stifle his complaints revealed that torture was greatly normalized by the leadership of American military and intelligence units in Vietnam.

For some extremely high-value prisoners, the CIA went to great lengths to build special, individualized cells in order to maximize the pain inflicted by torture, both physical and mental. In the infamous case of Nguyen Van Tai, a high-ranking member of the Viet Cong, the CIA built him his own cell in order to gain information from him.¹⁸⁸ Frank Snepp, a top-level CIA interrogator in Vietnam, detailed his experiences interrogating and torturing Tai in his 1977 book *Decent Interval*.¹⁸⁹ Snepp revealed that the CIA had constructed a “windowless, snow-white cell” for Tai and moved him there for three years between 1970-1973, where he remained in isolation.¹⁹⁰ The cell was always illuminated with bright white lights and was set to freezing temperatures.¹⁹¹ The strategy to keep Tai’s cell freezing at all

¹⁸⁴ Ibid.

¹⁸⁵ Ibid.

¹⁸⁶ Ibid.

¹⁸⁷ Ibid.

¹⁸⁸ Frank Snepp, “Tortured by the Past,” *Los Angeles Times*, April 27, 2009.

<http://articles.latimes.com/2009/apr/27/opinion/oe-snepp27>

¹⁸⁹ Frank Snepp, *Decent interval: An Insider’s Account of Saigon’s Indecent End Told by the CIA’s Chief Strategy Analyst in Vietnam* (New York: Random House, 1977).

¹⁹⁰ Snepp, “Tortured by the Past,” <http://articles.latimes.com/2009/apr/27/opinion/oe-snepp27>

¹⁹¹ Ibid.

times was one designed by CIA agents to directly target Tai's cultural beliefs; many Vietnamese believed that freezing temperatures would shrink and choke blood vessels.¹⁹² CIA interrogators also interrupted Tai's daily routine. For example, breakfast would be served at midnight and lunch would be served at dawn. This, according to Snepp, was done in order to disorient Tai.¹⁹³ This form of psychological disorientation and sensory deprivation was another technique adopted from the CIA's earlier torture research and manuals.

By the late 1960s, the US government had built several interrogation centers and the CIA ensured that there was at least one in every South Vietnamese province.¹⁹⁴ These centers followed prison-like structures and contained several interrogation rooms and solitary confinement units.¹⁹⁵ At all times, prisoners were either in their cells or the interrogation rooms and were denied any form of recreation or exposure to the outside world. The interrogators constantly experimented with the prisoners' psyche. For example, good behavior and cooperation with the interrogators meant that the prisoners could maybe get an extra meal or sleep on a mat instead of the concrete floor.¹⁹⁶ Like the snow-white cell built for Tai, these cells were extremely cold, and many prisoners would eventually provide false and misleading information simply due to the harsh interrogation techniques combined with the uncomfortable, claustrophobic, and painful nature of the prison structures itself. Thus, the purpose of the interrogation center was not only to allow for an enclosed space for torture to take place, but also to supplement the effects of torture by maximizing pain and suffering as much as possible. An internal CIA memo written in 1971 to Ambassador William Colby in

¹⁹² H.D.S. Greenway, "The 'White Room' Revisited," *New York Times*, May 13, 2005.

<https://www.nytimes.com/2005/05/13/opinion/hds-greenway-the-white-room-revisited.html>

¹⁹³ Ibid.

¹⁹⁴ Otterman, *American Torture*, 65.

¹⁹⁵ Ibid.

¹⁹⁶ Ibid.

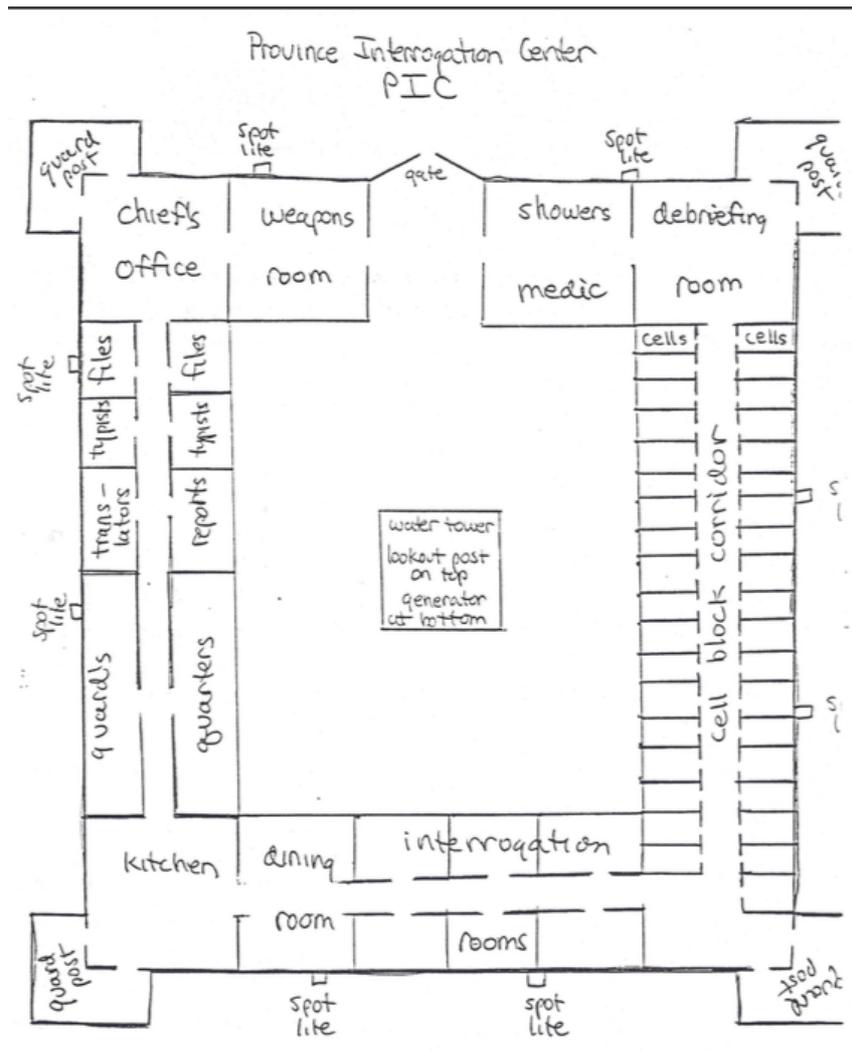
Saigon revealed that the US government had dedicated \$50,000 to fund each Provincial Interrogation Center.¹⁹⁷ The purpose of these centers, according to the same document, was to “provide a central facility in each province where civilians suspected of VC connections could be screened in an orderly and uniform manner for both intelligence and judicial processing purposes. They were not intended nor, have they served as detention facilities.”¹⁹⁸ The memo also detailed the structural organization of the prisons and emphasized the importance of solitary confinement. The prison cells were limited to 1.5x2 meters in order to limit mobility for adult prisoners.¹⁹⁹

¹⁹⁷Central Intelligence Agency, “Provincial Interrogations Centers,” 1971.

<https://www.cia.gov/library/readingroom/document/cia-rdp80r01720r001100060027-1>.

¹⁹⁸ Ibid.

¹⁹⁹ Ibid.



A hand drawn layout of a standard PIC in Vietnam.²⁰⁰

If interrogators failed to obtain confessions in specially constructed prison spaces, they resorted to other strategies outside of the prison. Interrogators would blindfold prisoners and transfer them to a helicopter from which he would be dropped to the ground.²⁰¹ Even though the height was usually not high enough to cause serious harm, prisoners would be led to believe they were plunging to their death, instilling a deep sense of fear.²⁰² After they landed on the ground, interrogators would force the blindfolded prisoners to run down a hill,

²⁰⁰ Central Intelligence Agency, "Hand Drawn PIC Layout," 1971, <https://archive.org/details/Hand-Drawn-PIC-Layout>.

²⁰¹ Otterman, *American Torture*, 68.

²⁰² *Ibid.*

straight into barbed wire fences.²⁰³ Drawing on torture techniques taught by the French, the Vietnamese participants of the Phoenix Program also used electricity along with sexual abuse, all under CIA supervision.²⁰⁴ In some instances, CIA officials and CIA-trained VBI officers would administer electric shocks on women whilst inserting an iron rod into their vaginas in order to enhance the pain that resulted as a consequence of the electric shock.²⁰⁵

Apart from serving as a counterintelligence and military strategy, the Phoenix Program also served as an ideal laboratory for the United States to continue its human experimentation objectives. Without the complex legal and ethical intricacies that the CIA had to adhere to back in the United States, the Phoenix Program provided unlimited access to human subjects that the agency heavily depended upon to conduct its scientific research. In 1966, the CIA sent three psychiatrists with an electroshock machine to conduct experiments on local Vietnamese at the Bien Hoa Mental Hospital near Saigon.²⁰⁶ The objective of this research was to test whether disorienting human beings could alter their behavior.²⁰⁷ One of the CIA psychiatrists would shock the mentally ill patients and restrict their access to food to force them to work.²⁰⁸ Over the duration of this specific experiment, at least one patient died due to the inhumane nature of the experiment. Two years later, in 1968, the CIA sent a neurosurgeon to conduct brain experiments at the same hospital.²⁰⁹ The surgeon implanted “tiny electrodes in each brain” then stimulated the patients to vomit or defecate.²¹⁰ The doctors then presented these subjects with knives and placed them in an enclosed room to test

²⁰³ Ibid.

²⁰⁴ Ibid.

²⁰⁵ Ibid.

²⁰⁶ McCoy, *A Question of Torture*, 65.

²⁰⁷ Ibid.

²⁰⁸ Ibid.

²⁰⁹ Ibid.

²¹⁰ Ibid., 66.

the likelihood of them resorting to violence.²¹¹ After this specific experiment yielded unsatisfactory results, the doctors left and shortly after, American military personnel executed the Vietnamese patients.²¹²

Documented opposition to the structure of the prisons and the treatment of detainees did emerge during the course of the Vietnam War. In 1970, American Congressmen Augustus F. Hawkins and William R. Anderson visited the Con Son prison in Vietnam, which housed around 10,000 prisoners.²¹³ According to their observations, many inmates were thrown into solitary confinement for weeks on end in extremely small cells with no windows often referred to as “tiger cages.” Other prisoners were often chained to their cells for extended hours, treatment that led to paralysis in at least 110 prisoners.²¹⁴ The Congressmen also reported that the prisoners ate food that was contaminated with sand or plant manure.²¹⁵

In 1970, allegations of torture and abuse conducted by American troops under the guidance and direction of the CIA and the American military went public in Congress when William Colby testified before the Senate.²¹⁶ Despite this exposé, *the New York Times* reported in 1971 that the Phoenix Program had launched a new “pacification effort” in Vietnam.²¹⁷ The 1971 memo sent to Colby also detailed of accusations brought forward by Dr. Marjorie Nelson, a physician who worked in the Quang Ngai prison.²¹⁸ Nelson reported

²¹¹ Ibid.

²¹² Ibid.

²¹³ Bernd Greiner, *War Without Fronts* (London: Vintage, 2010), 77.

²¹⁴ Ibid.

²¹⁵ Ibid.

²¹⁶ Ibid., 67.

²¹⁷ Ibid.

²¹⁸ Central Intelligence Agency, “Provincial Interrogations Centers,” 1971.

<https://www.cia.gov/library/readingroom/document/cia-rdp80r01720r001100060027-1>.

that prisoners were often found with bruises on their body and they reported to her that they had been beaten at a PIC.²¹⁹ In the same memo, Nelson expressed her outrage at the small and suffocating structure of the prison cells and reported that the cells had no beds and prisoners were forced to sleep on the floor.²²⁰ In some cases, she reported, over 200 women and 40 children shared one cell.²²¹ She also noted that in her personal conversations with prisoners, they had revealed that they were forced to drink chemicals and intake drugs, although she was not able to find out what exactly these were.²²² Despite the gravity of these accusations, the memo downplayed and ignored her objections; the PIC advisor concluded instead that the “PIC is in excellent shape...PIC prisoners are credited locally as being treated too leniently.”²²³

Despite the advisor’s support for the program, resistance gradually emerged from other areas of the US government. The House Operations Subcommittee launched an investigation into the Phoenix Program the same year the advisor wrote his memo. Following the investigation, the CIA withdrew all of its support for the Phoenix Program.²²⁴ This, however, did not mean that the Phoenix Program ceased to exist. Local Vietnamese Police and the VBI took over running the program without active American military or financial support for two years. By this time, however, the Phoenix Program began to face opposition from the local population in Southern Vietnam as the VBI had begun arresting people

²¹⁹ Ibid.

²²⁰ Robert M. Smith, “Vietnam Prisoner Torture Described by U.S. Doctor,” *New York Times*, July 18, 1970. <https://www.nytimes.com/1970/07/18/archives/vietnam-prisoner-torture-described-by-us-doctor-doctor-tells-of.html>

²²¹ Ibid.

²²² Ibid.

²²³ Central Intelligence Agency, “Provincial Interrogations Centers,” 1971. <https://www.cia.gov/library/readingroom/document/cia-rdp80r01720r001100060027-1>.

²²⁴ Otterman, *American Torture*, 71.

indiscriminately, with arrest numbers soaring to over 14000 people per month.²²⁵ Many reports suggest that over 80% of those arrested by the Phoenix Program were innocent or simply supported the North, but had not actually committed any crime or have any connections with the Viet Cong.²²⁶

CONCLUSION

The Phoenix Program marked the first time that the US intelligence agencies combined both physical and psychological torture, but it would not be the last. Despite public outrage over revelations of the Phoenix Program's use of torture, the American government continued the practice in other theatres of war, notably Latin America.²²⁷ A 1991 Pentagon memo revealed that the CIA had developed "Project X," a covert intelligence project with the aim of transferring lessons from the Phoenix Program and the American war effort in Vietnam to Latin America.²²⁸ A clear pattern of "torture education" arose between 1965-1990, as the CIA conducted counterinsurgency and interrogation training for Latin American officers aligned with the United States.²²⁹ The School of the Americas, located in Panama, offered officers field training which included torture as part of the curriculum. Project X also focused on drawing up new instruction-based manuals.²³⁰ One such manual "provided training regarding use of sodiopentathol compound in interrogation, abduction of adversary family members, prioritization of adversary personalities for abduction, exile, physical beatings, and execution."²³¹ All of these techniques had been central to the Phoenix Program's torture

²²⁵ Ibid.

²²⁶ Ibid.

²²⁷ Cited in McCoy, *Torture and Impunity*, 99.

²²⁸ Ibid.

²²⁹ Ibid.

²³⁰ Ibid.

²³¹ Ibid., 100.

strategies. These lessons were consolidated in a new Pentagon manual in 1983 entitled the *Human Resource Exploitation Training Manual* (HRET). The manual was translated into a Spanish and over a thousand copies were distributed to Latin American officers.²³² “We do not stress the use of coercive techniques,” the HRET manual read, “but we do want to make you aware of them.”²³³ The manual also included another important warning: “The routine use of torture lowers the moral caliber of the organization that uses it and corrupts those who rely on it.”²³⁴ Despite such caveats, two decades later during the Global War on Terror, the manual would become relevant once again, as the U.S. government renewed the use of torture to achieve its aims.

²³² Ibid.

²³³ Central Intelligence Agency, “Human Resource Exploitation Training Manual-1893,” <https://nsarchive2.gwu.edu/NSAEBB/NSAEBB122/CIA%20Human%20Res%20Exploit%20A1-G11.pdf>

²³⁴ Ibid.

CHAPTER 3: THE GLOBAL WAR ON TERROR

Although 9/11 was not the first terrorist attack in the United States, the event would signal an important moment in the reintroduction of American practices of torture and, more importantly for this thesis, the relationship between torture and the physical structures in which it was practiced. It also accelerated American involvement in the Middle East, a process that had begun shortly after World War II. The Cold War paved the way for the US to become the dominant foreign power in the Middle East. America's strategic attitudes towards the Middle East were best captured by President Ronald Reagan's National Security Strategy of 1988. The United States sought to maintain its friendly relationship with Israel, curb state-sponsored terrorism by Libya and Iran, and counter Soviet policies in the region.²³⁵ In the Gulf regions specifically, the US was primarily concerned with maintaining a stable system of access to oil.²³⁶ With the exception of countering the communist threat in the Middle East, these themes remained consistent in the National Security Strategies of future presidents. After the American led coalition in 1990 against the Iraqi invasion of Kuwait emerged victorious, the United States expanded its military power in the region through its military bases in Qatar, Bahrain, Oman, Saudi Arabia and Kuwait.

American involvement in the Middle East further expanded after 1993, when the World Trade Center was attacked by Ramzi Yousef, a Pakistani national suspected of having links with Al Qaeda.²³⁷ Although Yousef did not succeed in bringing down the towers, thousands of people were injured, and six people died. In a letter to *The New York Times* sent

²³⁵ "National Security Strategy 1988", *National Security Strategy Archive*, 1988, <http://nssarchive.us/national-security-strategy-1988/>.

²³⁶ Ibid.

²³⁷ "1993 World Trade Center Bombing," *CNN*, 2019, <https://edition.cnn.com/2013/11/05/us/1993-world-trade-center-bombing-fast-facts/index.html>.

before the bombings, Youssef claimed responsibility for the attacks and presented three main demands: The US government had to halt aid to Israel, cut diplomatic ties with Israel, and pursue noninterventionist policies in the Middle East.²³⁸ During his trial, Youssef presented a long statement about the history of American violence in the Third World. He argued that it was the American government that invented terrorism and targeted innocent civilians with their policies in Japan, Vietnam, Iraq, and Cuba.²³⁹ Youssef's statement provided an important precursor of justifications that would motivate future attacks against the United States, but it also signaled a new kind of war ahead, where foreign threats to the United States did not emerge from a specific country, but instead, from non-state actors working in coordination across national borders.

The new threat posed by non-state actors emerged with shocking force with the attacks of 9/11. On that day, Saudi-born extremists killed almost 3000 people in a series of terrorist attacks on the World Trade Center in New York, the Pentagon in Arlington, and a third failed attack meant for Washington D.C., which passengers successfully thwarted, leading the plane to crash in Pennsylvania.²⁴⁰ The attacks set into motion America's longest war to date, what is commonly referred to as the Global War on Terror. Less than a month after 9/11, American troops were sent to Afghanistan in an effort to fight Al-Qaeda and bring down the Afghan Taliban for providing Bin Laden and his men safe haven.²⁴¹ Two years later,

²³⁸ "The Bombing: Retracing the Steps - A Special Report; Fitting the Pieces of Terrorism - Accounts Reconstruct Planning of Trade Center Explosion," *New York Times*, May 26, 1993. <https://www.nytimes.com/1993/05/26/nyregion/bombing-retracing-steps-special-report-fitting-pieces-terrorism-accounts.html?mtref=undefined>.

²³⁹ "Excerpts From Statements in Court," *The New York Times*, January 09, 1998. <https://www.nytimes.com/1998/01/09/nyregion/excerpts-from-statements-in-court.html>.

²⁴⁰ Ibid.

the United States invaded Iraq under the guise of liberating the country from Saddam Hussein and his alleged weapons of mass destruction.²⁴²

The Global War on Terror reintroduced the use of torture as a central part of American war strategy. Part of this approach included a renewed focus on the architectural structures of the sites in which Americans practiced this torture, including the creation of new “black sites.” During the Global War on Terror, the CIA’s most important black sites were the Salt Pit in Afghanistan, Abu Ghraib in Iraq, and Guantanamo Bay in Cuba.²⁴³ The American practice of torture during the Global War on Terror was characterized by the use of sophisticated, painful, and scientifically-founded techniques, many of which were initially introduced during the Cold War. The most frequently used techniques included methods of sensory disorientation and self-inflicted pain. While physical torture obviously had mental and psychological ramifications, the CIA’s use of psychological torture allowed them to further build on their Cold War experience as well as ensure that any prosecution under domestic or international law would be difficult to carry forward due to the lack of physical evidence.

Alongside the reintroduction of torture, the U.S. government also made legal and institutional changes that would facilitate its war strategies in the name of national security. Forty-five days after 9/11, the US government passed the Patriot Act. This legislation made it easier for the American government to monitor and surveil the activities of ordinary citizens

²⁴¹ "Timeline: US Intervention In Afghanistan 2001 To 2017," *Al Jazeera*, August 22, 2017, <https://www.aljazeera.com/news/2017/08/2001-2017-intervention-afghanistan-170822035036797.html>.

²⁴² *Ibid.*

²⁴³ United States, and Dianne Feinstein, *The Senate Intelligence Committee Report on Torture: Committee Study of the Central Intelligence Agency's Detention and Interrogation Program*, 49.

and track their communications without necessarily obtaining approval from a judicial entity.²⁴⁴ The domestic surveillance program developed after the September 11 attacks severely curtailed the civil liberties of Americans as well as foreigners abroad.²⁴⁵ Warrantless wiretapping and surveillance increased exponentially along with the reach of the FISA Courts.²⁴⁶ Edward Snowden's leaks about the National Security Agency's (NSA) wiretapping program revealed an alarming pattern of unchecked data collection conducted by the American government. Most, if not all, of these programs were grave violations of American constitutional law. These measures disproportionately affected certain communities more than others.

Unsurprisingly, the effects of this heightened surveillance fell particularly on Muslim Americans, who became the primary targets of the FBI and the local and federal agents that worked with it. The targeting of Muslim Americans by the US government was accompanied by a rise in hate crimes against the community. In 2002, an FBI report revealed that there was a 17-fold increase in anti-Muslim crimes across the nation.²⁴⁷ Muslims were not the only ones to be attacked. Persons of brown skin who were perceived to be of South Asian or Middle Eastern were also subject to racism, discrimination, and violent attacks.

²⁴⁴ "Surveillance Under the Patriot Act," *American Civil Liberties Union*, accessed 8 April 2019, <https://www.aclu.org/issues/national-security/privacy-and-surveillance/surveillance-under-patriot-act>.

²⁴⁵ Kim Zetter, "New Yorker Sheds New Light on NSA's Warrantless Wiretapping and Data Mining," *Wired*, June 03, 2017, <https://www.wired.com/2011/05/new-yorker-on-thomas-drake/>.

²⁴⁶ Ibid.

²⁴⁷ Costas Panagopoulos, "Trends: Arab and Muslim Americans and Islam in the Aftermath of 9/11," *The Public Opinion Quarterly* 70, no. 4 (2006): 608-24, <http://www.jstor.org/stable/4124213>.

The changes in America's political, legal and social climate and its new relationship to war were reflected in the rhetoric of the top echelons of the US government. President George Bush, in a joint address to Congress and the American people, called for the nation to unite against the "enemies of freedom" because "freedom itself is under attack."²⁴⁸ He declared that the "Global War on Terror" would not end until every single terrorist group with global prominence was defeated. This war, he said, would not be like other American wars in the past. This one was going to be a "lengthy campaign" with "dramatic strikes" and "covert operations."²⁴⁹ In one of the most emotionally charged moments of the speech, Bush stated that "either you are with us, or you are with terrorists."²⁵⁰ The rhetoric that Americans were being attacked simply for being American helped foster a sense of fear in the American public psyche that provided the base for the rationalization of and public support for American policies post 9/11. The US government's torture program that emerged after 9/11 blossomed into the most violent and brutal version yet and also marked the massive enhancement of the use and structure of black sites.

TORTURE AND ITS ENHANCEMENT IN THE FIRST BLACK SITES

On September 17th, 2001, President George W. Bush approved a Memorandum of Notification that granted sweeping authority to the CIA with regards to the agency's counterterrorism policies, including permission to "covertly capture and detain individuals."²⁵¹ The US government's decision to employ harsh torture techniques was

²⁴⁸ Text of George Bush's Speech," *The Guardian*, September 21, 2001, <https://www.theguardian.com/world/2001/sep/21/september11.usa13>.

²⁴⁹ Ibid.

²⁵⁰ Ibid.

²⁵¹ United States and Dianne Feinstein *The Senate Intelligence Committee Report on Torture: Committee Study of the Central Intelligence Agency's Detention and Interrogation Program*, 9.

carefully and strategically tailored by the top legal minds at the Office of the Attorney General and the Office of the Legal Counsel. A series of memorandums from various offices under the Bush administration titled the “Torture Memos” offer an insight into how torture became so deeply engrained into official American policy post 9/11. While these memos dealt primarily with legal issues and ways to defy norms established by international law, some of the memorandums also contained specific guidelines on how to perform torture.

On August 1st 2002, Jay S. Bybee, the then Assistant Attorney General, addressed a memo to Alberto R. Gonzales, Assistant to the President and White House Counsel, titled “Standards of Conduct for Interrogation.”²⁵² This memo established the legal foundation for the official US doctrine of torture. Bybee offered a new interpretation of the United Nations Conventions Against Torture.²⁵³ He asserted that “*physical pain amounting to torture must be equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death.*”²⁵⁴ His definition of mental pain required “*significant psychological harm of significant duration, lasting for months even more.*”²⁵⁵ With no actual standardized unit to measure physical pain, and especially mental and psychological pain, the limitations to American practices were seemingly unlimited. Bybee provided the Bush administration with a line of legal reasoning that was used by the government as a justification for using torture. Subsequent memos include requests from the Department of Defense seeking approval of certain “counter-resistance strategies,” most of which were approved by the executive branch.²⁵⁶ Thus, various American governmental

²⁵² U.S Department of Justice, “Memoranda For Alberto R. Gonzales, Counsel To President,” 2002, <https://nsarchive2.gwu.edu/NSAEBB/NSAEBB127/02.08.01.pdf>.

²⁵³ Ibid.

²⁵⁴ Ibid.

²⁵⁵ Ibid.

²⁵⁶ Ibid.

entities, including the President himself, were actively and consciously involved in the decision to approve of torture as an official military strategy after 9/11.

The capture of Abu Zubaydah in March 2002 resulted in what the CIA called a “significant dilemma” and exposed the agency to its first opportunity in the Global War on Terror to test its new policies in handling a high-value detainee.²⁵⁷ Indeed, Zubaydah served as the United States torture program’s first guinea pig after 9/11. The CIA decided to detain Zubayda outside of the United States in order to avoid the American legal obligations the agency would be forced to comply had they detained him in an American military facility on American soil. The CIA obtained the approval of President Bush during a briefing in March 2002 to detain Abu Zubaydah in a newly created black site in Thailand. Known as “DETENTION SITE GREEN” in the official Senate Report on Torture, this site marked the CIA’s first black site.²⁵⁸ The exact location of the prison is still classified, but it is undoubtedly situated in one of the American government’s military or intelligence posts in the country, most likely in the Northeastern province of Udon Thani.²⁵⁹

When the CIA was not able to gain any desirable information from Zubaydah about potential future attacks planned against the United States, they deemed him “uncooperative” and believed that he would only provide critical intelligence if they practiced enhanced interrogation techniques on him.²⁶⁰ From August 4th through August 23rd, 2002, the first

²⁵⁷ Central Intelligence Agency, “Special Review: Counterterrorism, Detention, And Interrogation Activities,” 2004,

<http://documents.theblackvault.com/documents/terrorism/khalidsheikciaig.pdf>.

²⁵⁸ United States and Dianne Feinstein, *The Senate Intelligence Committee Report on Torture: Committee Study of the Central Intelligence Agency's Detention and Interrogation Program*, 23.

²⁵⁹ “Globalizing Torture: CIA Secret Detention and Extraordinary Rendition,” Open Society Foundation, accessed April 7, 2019,

<https://www.opensocietyfoundations.org/sites/default/files/globalizing-torture-20120205.pdf>.

recorded incident of the CIA conducting torture on a detainee took place, a mere 3 days after Jay Bybee sent his memo defending torture under international law.²⁶¹ According to the Senate Report, Zubaydah was tortured continuously for 24 hours every day and ended up being waterboarded over 83 times first in Thailand and later, at Guantanamo Bay.²⁶² The CIA depended on the Survival Evasion Resistance and Escape (SERE) manual used by the U.S. military to conduct their interrogation.²⁶³ CIA personnel identified 12 SERE-based techniques for interrogating Zubaydah, whom they believed was already trained by Al-Qaeda in resisting interrogation, including beatings, stress positions, sleep deprivation, and mock burials.²⁶⁴

Pictures and videotapes from this site have not been released to the public, so there is little information on its architectural structure. Despite continual statements by Thai officials denying that a black site has ever existed on Thai soil, investigative reports by journalists have argued that the Thai authorities must have known and approved of the site given that they were already operating a joint intelligence program with the United States.²⁶⁵ Despite the Thai's government's complicity, the CIA's covert activities in Thailand were tumultuous because of diplomatic rifts between the two countries as well as leaks to the press that revealed information about the existence of the black site.²⁶⁶ In fact, after the *New York Times* received information about the location of the black site, the CIA and Vice-President Dick Cheney persuaded the newspaper to avoid publishing the location of Zubaydah's detention

²⁶⁰ United States and Dianne Feinstein. *The Senate Intelligence Committee Report on Torture: Committee Study of the Central Intelligence Agency's Detention and Interrogation Program*, 31.

²⁶¹ Ibid, 40.

²⁶² Ibid.

²⁶³ Ibid., 32.

²⁶⁴ Ibid.

²⁶⁵ Ibid.

²⁶⁶ Ibid.

out of an interest for national security, and the newspaper complied.²⁶⁷ In response to the complications they faced with the Thai government and the leaks, the CIA decided to shut down the black site at the end of 2002, but the CIA found other avenues where it would be able to pursue its policies more freely.

In September 2002, the CIA opened its second black site, referred to as “DETENTION SITE COBALT,” in Afghanistan.²⁶⁸ The CIA spent more time and money to designing this black site (compared to the Thai site), budgeting over \$200,000 to the site’s operation. Also known as “The Salt Pit,” the black site was spread over 10 acres of land.²⁶⁹ Located on the land of a former brick factory, the windows at this site were blacked out completely so that the prisoners would remain in darkness.²⁷⁰ Several detainees later referred to this prison as the “dark prison.” Loud music was constantly played inside the prisoners’ cells. This provided a perfect environment to practice sensory deprivation, a CIA technique that the agency previously employed in Vietnam that was aimed at mentally and psychologically disorienting the detainee. The prison cells were also designed to be kept under freezing temperatures. There were around 20 cells in the facility. It included several buildings where the U.S military could also train Afghans in counterterrorism strategies.²⁷¹ The Salt Pit was headed by Matthew Zirbel, referred to as “CIA Officer 1” in the Senate Report.²⁷² The report claims that Zirbel was a junior officer in his first overseas assignment

²⁶⁷ Ibid., 24.

²⁶⁸ Ibid., 49.

²⁶⁹ Dana Priest, "CIA Avoids Scrutiny of Detainee Treatment," *The Washington Post*, March 3, 2005, <http://www.washingtonpost.com/wp-dyn/articles/A2576-2005Mar2.html>.

²⁷⁰ Ibid.

²⁷¹ Ibid.

²⁷² United States and Dianne Feinstein, *The Senate Intelligence Committee Report on Torture: Committee Study of the Central Intelligence Agency's Detention and Interrogation Program*, 50.

and was not nearly experienced enough to take over the CIA's interrogation program at the Salt Pit. Zirbel ordered the torture and interrogation of Gul Rahman, the first man to die under the CIA's post 9/11 torture program.²⁷³

After DETENTION SITE GREEN in Thailand was shut down in 2002, Abu Zubaydah and Abd-al-Rahim al-Nashari, another Al Qaeda operative captured in the UAE, were transferred to what the Senate Report calls "DETENTION SITE BLUE," a CIA black site in Poland. According to *The Washington Post*, the CIA paid the Polish government \$15 million in cash to expand the black site from two prison cells to five.²⁷⁴ This black site was operated inside a villa and was the first CIA prison in Europe.²⁷⁵ The villa, along with a large shed behind it, were converted into cells.²⁷⁶ This prison and the enhanced interrogation program were run by Mike Sealy, a senior CIA officer.

An investigation led by the European Court of Human Rights in 2014 found that Poland was well aware of the activities of DETENTION SITE BLUE and granted the CIA permission to torture its detainees on Polish soil.²⁷⁷ The CIA also established black sites in Lithuania and Romania and worked with over 21 European governments.²⁷⁸ In Lithuania,

²⁷³ Ken Silverstein, "The Charmed Life of a CIA Torturer: How Fate Diverged for Matthew Zirbel, Aka CIA Officer 1, and Gul Rahman," *The Intercept*, December 15, 2014, <https://theintercept.com/2014/12/15/charmed-life-cia-torturer/>.

²⁷⁴ "Detention Site Blues," *The Economist*, December 11, 2014, <https://www.economist.com/europe/2014/12/11/detention-site-blues>.

²⁷⁵ Adam Goldman, "The Hidden History of the CIA's Prison in Poland," *The Washington Post*, January 23, 2014, https://www.washingtonpost.com/world/national-security/the-hidden-history-of-the-cias-prison-in-poland/2014/01/23/b77f6ea2-7c6f-11e3-95c6-0a7aa80874bc_story.html?utm_term=.b3f5cbe34f3b.

²⁷⁶ Ibid.

²⁷⁷ European Court of Human Rights, *Secret Detention Sites*, 2012, https://www.echr.coe.int/Documents/FS_Secret_detention_ENG.PDF.

“DETENTION SITE VIOLET” was established in an old warehouse only few miles away from a prison formerly used by the KGB to hold dissidents and human rights activists.²⁷⁹ The CIA took over the windowless site in 2005, around the same time that it established “DETENTION SITE BLACK” in Romania. Just like Poland, both Romania and Lithuania were paid millions of dollars by the CIA’s to use these sites, although exact amounts have been redacted in the Senate report.

The American government also established a black site in Guantanamo Bay in 2002 called Camp X-Ray.²⁸⁰ The camp had over 300 cells which were structured more like cages, complete with barbed wire fencing.²⁸¹ Camp X-Ray served as a temporary detention facility while several other prisons within the military base were under construction. The United States built over 12 distinct camp sites in Guantanamo, and each camp had its own prisons that were each designed to serve a specific purpose. The first permanent camp was Camp Delta, which was built out of metal shipping containers.²⁸² Camp Delta housed ten different prisons within the its main structure, including a psychiatric ward.²⁸³ Some of the camps were

²⁷⁸ Natalie Nougayrède, "CIA Torture Report: Europe Must Come Clean about Its Own Complicity," *The Guardian*, December 09, 2014, <https://www.theguardian.com/commentisfree/2014/dec/09/cia-torture-report-europe-complicity-britain>.

²⁷⁹ Crofton Black, "Legal Case Demands Details about How CIA Used Windowless Warehouse in Lithuania as Secret Prison," *The Bureau of Investigative Journalism*, February 06, 2017, <https://www.thebureauinvestigates.com/stories/2015-09-02/legal-case-demands-details-about-how-cia-used-windowless-warehouse-in-lithuania-as-secret-prison>.

²⁸⁰ Carol Rosenberg, "Guantánamo Prison: A Primer," *Miami Herald*, June 09, 2018, <https://www.miamiherald.com/news/nation-world/world/americas/guantanamo/article1939250.html>.

²⁸¹ Ibid.

²⁸² Ibid.

²⁸³ Ibid.

modeled around traditional prisons and included common areas, a yard, and dormitories.²⁸⁴ They also had meeting rooms for detainees to interact with their lawyers. Some of the major factors that affected which prison the detainees would be held in were their perceived threat levels, their importance to an intelligence investigation, and whether or not they were deemed “cooperative” in their interactions with security forces.²⁸⁵

PHYSICAL TORTURE

The use of physical torture became a central component of the US government’s torture program from the first days of the Global War on Terror. The existence of a physical space such as the black site provided the ideal environment for the CIA to maximize the physical suffering endured by the detainees. In 2002, the CIA implemented physical torture techniques derived from the SERE manual which had been previously used in Vietnam. Not content with the “status quo,” CIA interrogators modified SERE manual techniques in order to amplify their painful effects. Interrogators would force prisoners to stand with their feet shackled in a technique called the “long time standing” method.²⁸⁶ This would take place in a cold cell where the temperature was about 50 degrees Fahrenheit.²⁸⁷ The prisoners were naked and CIA officers would regularly pour freezing water over them. The detainees were also left to starve in order to weaken their emotional and physical state.²⁸⁸

In November 2002, the death of Gul Rahman, a high value CIA detainee, was a direct result of the agency’s use of extreme methods during his interrogation.²⁸⁹ The CIA also

²⁸⁴ Ibid.

²⁸⁵ United States and Dianne Feinstein, *2The Senate Intelligence Committee Report on Torture: Committee Study of the Central Intelligence Agency's Detention and Interrogation Program*, 216.

²⁸⁶ Otterman. *American Torture from the Cold War to Abu Ghraib and Beyond*, 13.

²⁸⁷ Ibid.

²⁸⁸ Ibid.

experimented with the use of “rough takedowns” on Rahman. In this method, agency officers would each have a unique role to play the scenario that they rehearsed well in advance.²⁹⁰ They entered Rahman’s cell yelling at him to get down, dragged him outside his cell, removed his clothing, and covered his head with a hood.²⁹¹ Then, they proceeded to physically assault him. Rahman ultimately died of hypothermia.²⁹² Rahman had been shackled to the wall of his cell and his naked body lay bare on the cold concrete floor.²⁹³

Abu Zubaydah was also the first detainee on whom the CIA reintroduced its practice of waterboarding. By 2002, however, the technique was far more well-developed than previous American practices in the Philippines and Vietnam. The detainee was first strapped of a bed which was slightly slanted, and his face was covered with a cloth.²⁹⁴ The intended effect of waterboarding remained the same; suffocation induced in this manner caused the subject to believe that they are drowning and dying which instilled in them a sense of panic. To ensure that the physical pain produced by the process was maximized, the CIA flooded the lungs of the detainee with water by building a special gurney that was perfectly angled to achieve their intended results.²⁹⁵ They also used a special saline solution so that the detainees would not die from hypothermia or excessive water intake.²⁹⁶ Agents repeated this process every three

²⁸⁹ Ibid., 55.

²⁹⁰ Ibid, 56.

²⁹¹ Ibid.

²⁹²Rowaida Abdelaziz, "The CIA Tortured An Afghan Suspect To Death But Refuses To Say Where His Body Is," *HuffPost*, November 30, 2018, https://www.huffpost.com/entry/gul-rahman-cia-torture-lawsuit_n_5bff57fae4b0864f4f6a04ca.

²⁹³ Ibid.

²⁹⁴ “Report of the International Committee of the Red Cross (ICRC) on the Treatment of Fourteen High Value Detainees in CIA Custody,” February 2007. <https://www.nybooks.com/media/doc/2010/04/22/icrc-report.pdf>

²⁹⁵ McCoy, *Torture and Impunity*, 40.

²⁹⁶ Ibid.

hours. They also ensured that detainees consumed a special liquid diet so that they would not suffer from vomiting resulting from the waterboarding. Khaled Shaikh Mohammad, one of the key architects of the 9/11 attacks, described his experience being waterboarded in detail to the International Committee of the Red Cross and confirmed that even his ankles and hands were handcuffed during this process to enhance feelings of helplessness. American interrogators regularly waterboarded detainees' multiple times; some detainees were tortured through this method over 100 times.²⁹⁷

The CIA also employed a technique called "short shackling," which involved shackling together the arms and the feet of detainees for prolonged hours in painful positions where they were unable to move.²⁹⁸ When shackling was carried out, the prisoners were always stripped naked.²⁹⁹ According to British detainee Shafiq Rasul, "Being held in the short shackle was extremely painful, but if you tried to move, the shackles would cut into your ankles and wrists."³⁰⁰ When forced to remain in this position for long hours, detainees were not allowed to use the bathroom and would be forced to defecate on themselves.³⁰¹ This uncomfortable position also rendered the detainees unable to sleep or rest properly, increasing the intensity of the physical and psychological pain they experienced. CIA interrogators also forced detainees to remain for prolonged periods in other difficult and painful positions that they referred to as "stress positions."³⁰² Some prisoners were also

²⁹⁷ Ibid.

²⁹⁸ Ibid.

²⁹⁹ Ibid.

³⁰⁰ "Guantanamo: Detainee Accounts: IV. Interrogation," *Human Rights Watch*, accessed 8 April 2019, <https://www.hrw.org/legacy/backgrounders/usa/gitmo1004/5.htm>.

³⁰¹ Ibid.

³⁰² United States and Dianne Feinstein, *The Senate Intelligence Committee Report on Torture: Committee Study of the Central Intelligence Agency's Detention and Interrogation Program*, 111.

blindfolded during the short shackling technique.³⁰³ These techniques would not have been possible without the a suitable physical space to supplement it; the existence of bars, boards, and shackles located in the prison cells ensured that torture was a permanent part of the detainees' prison experience, even when they were not being tortured.

Detainees were also subject to physical beatings, some of which were improvised with the use of a collar.³⁰⁴ CIA interrogators would attach a collar around the neck of a detainee and then use leashes to drag the detainee around during interrogations.³⁰⁵ They would then slam the prisoner against the wall when they wanted to inflict pain. Interrogators would also punch and kick detainees in the face and bang their heads against hard objects. Beatings could last several hours as different interrogators would take turns. Many detainees would suffer from intense bleeding and permanent scars as a result.³⁰⁶

In Abu Ghraib, some detainees suffered solitary confinement but instead of being placed inside a cell, the CIA would hold them in special boxes that were designed to restrict the movement of the detainees inside them.³⁰⁷ These were narrow and short so that the detainees would be forced to crouch and remain in an uncomfortable position. The boxes were also designed to contain heat so that the prisoners would be uncomfortably hot when in the box, and then immediately exposed to freezing cold cells when they were released.³⁰⁸ This box technique was a unique combination of isolation and stress positions, maximizing the pain

³⁰³ "Guantanamo: Detainee Accounts: IV. Interrogation", *Human Rights Watch*, accessed 8 April 2019, <https://www.hrw.org/legacy/backgrounders/usa/gitmo1004/5.htm>.

³⁰⁴ "Report of the International Committee of the Red Cross (ICRC) on the Treatment of Fourteen High Value Detainees in CIA Custody," February 2007. <https://www.nybooks.com/media/doc/2010/04/22/icrc-report.pdf>

³⁰⁵ Ibid.

³⁰⁶ Ibid.

³⁰⁷ Ibid.

³⁰⁸ Ibid.

suffered by the detainees. Sometimes, the interrogators would also deprive the detainees of solid food for days at length and would only provide them with water or some liquids. The starvation further weakened the already tired and broken detainees.

CIA officials also relied on sexual humiliation and sexual abuse as a torture tactic. Interrogators sexually abused and even raped several detainees, both men and women.³⁰⁹ In fact, when detainees first arrived at Abu Ghraib, the CIA would strip them and force them to wear female underwear as a tactic of sexual humiliation.³¹⁰ Prisoners also reported that female officers would frequently insert foreign objects inside the anus during interrogations. Detainees were also forced to engage in sexual acts with other detainees or interrogators, such as oral sex and sodomy.³¹¹ CIA agents also made the prisoners engage in group masturbation and forced them to pile up one top of the other when they were naked.³¹² Female officials would often be present in the room to increase the shame factor and they would also record or photograph the abuse. Many of the leaked Abu Ghraib photos depicted a male officer raping a female prisoner or male officers exposing the breasts of a female prisoner.³¹³ Many of the victims of the CIA's sexual abuse were children and minors.³¹⁴

³⁰⁹"Report: CIA Pushed Torture Envelope," *CBS News*, May 20, 2008.

<https://www.cbsnews.com/news/report-cia-pushed-torture-envelope/>.

³¹⁰ Ibid.

³¹¹ "Fay Report: Investigation Of 205th Military Intelligence Brigade's Activities In Abu Ghraib Detention Facility," August 23, 2004.

<https://www.thetorturedatabase.org/document/fay-report-investigation-205th-military-intelligence-brigades-activites-abu-ghraib>.

³¹² Ibid.

³¹³ Duncan Gardham, Paul Cruickshank, and Security Correspondent, "Abu Ghraib Abuse Photos 'Show Rape'," *The Telegraph*, May 27, 2009.

<https://www.telegraph.co.uk/news/worldnews/northamerica/usa/5395830/Abu-Ghraib-abuse-photos-show-rape.html>.

³¹⁴ Ibid.

By October 2002, the Department of Defense in conjunction with the CIA came up with a more efficient system of “categorization” for torture that they could implement in Guantanamo Bay. In a 2002 memorandum prepared titled “Request for approval of Counter-Resistance Strategies,” the Department of Defense described three categories of torture techniques with increasing intensity depending on whether or not the detainee was cooperative.³¹⁵ The first category consisted of relatively normal techniques such as deception, yelling, etc.³¹⁶ Category II included the usage of stress positions for several hours, producing false documents and reports, and solitary confinement for up to 30 days.³¹⁷ The agency was also permitted to practice hooding, stripping the detainee, and inducing fear through the participation of dogs during interrogation.³¹⁸ Category III included death threats for the detainee and his family and waterboarding.³¹⁹ While these were the official techniques listed under various categories, the CIA continued to use various interrogation techniques that were often not reported to the White House in an official capacity.

PSYCHOLOGICAL TORTURE

In 2002, the CIA handed over the interrogation project at Guantanamo Bay to Major General Geoffrey Miller. Miller, it is argued, was personally inclined to use torture on the prisoners because he had lost several friends and colleagues in the 9/11 Pentagon attacks.³²⁰ Miller’s first action in his new role was to place the Military Police (MP) under the command of Military Intelligence (MI), which allowed interrogators to order police to perform certain

³¹⁵ Karen Greenberg and Joshua Dratel, *The Torture Papers: The Road to Abu Ghraib*, (Cambridge: Cambridge University Press, 2005), xvii-xviii.

³¹⁶ Ibid.

³¹⁷ Ibid.

³¹⁸ Ibid.

³¹⁹ Ibid.

³²⁰ Kristian Williams, *American Methods: Torture and the Logic of Domination*. (Cambridge: South End Press, 2006), 145.

tasks when they required information.³²¹ Miller also facilitated the meeting between former SERE officials and interrogators at Guantanamo Bay.³²² As a result of this collaboration, the CIA created the Behavioral Science Consultation Team (BSCTs). According to the testimony of a former interrogator, the purpose of the team was to assess individual detainees and expose their deepest fears so that the CIA could exploit them.³²³ According to historian Alfred McCoy, this represented the CIA's three phased attack on the mind, exploiting "sensory receptors, cultural identity, and individual psyche."³²⁴ As detainee Shafiq Rasul noted, "we didn't hear about anybody talking about being sexually humiliated before General Miller came."³²⁵ This shows the direct influence that the BSCT program had on the development of psychological torture.

The US Commander for Iraq, General Ricardo Sanchez, also implemented these techniques at Abu Ghraib. He proposed isolation, exploiting the "Arab fear of dogs" during interrogations, yelling loudly, playing loud music, and depriving prisoners of light.³²⁶ McCoy's personal review of some 1600 classified photos from the Abu Ghraib torture scandal revealed that interrogators employed the three psychological torture techniques multiple times.³²⁷ Hooding was done to cause sensory deprivation, shackling and forced standing was a form of self-inflicted pain, and sexual humiliation and nudity targeted cultural sensitivities.³²⁸

³²¹ Ibid.

³²² Ibid.

³²³ McCoy, *Torture and Impunity*, 44.

³²⁴ Ibid.

³²⁵ "Guantanamo: Detainee Accounts: IV. Interrogation," *Human Rights Watch*, accessed 8 April 2019, <https://www.hrw.org/legacy/backgrounders/usa/gitmo1004/5.htm>.

³²⁶ McCoy, *Torture and Impunity*, 95.

³²⁷ Ibid., 45.

³²⁸ Ibid.

Many of the physical torture methods also had psychological effects. According to an Army memo on “Interrogation and Counter-Resistance Policy,” the radical switching up of temperatures was done to create discomfort in the environment and playing loud music in the prisons was a way to disorient the detainee in order to prolong the effects of the physical torture.³²⁹ Methods such as hooding were used to disorient detainees and prevent them from seeing or breathing in a comfortable manner.³³⁰ The manipulation of lights and lack of access to the outdoors also affected detainees for they did not have an idea of where they were or what time of the day it was. The use of waterboarding created a deep-rooted fear in detainees who believed that they were being killed or were going to die, and these effects lasted for several hours after the method was employed. Some officials who acted under General Miller’s orders also reported that female soldiers would remove their shirts, make detainees wear female lingerie, and perform oral sex on male detainees in order to fully exploit their alleged cultural sensitivities.³³¹ Soldiers also forced male detainees to engage in homosexual acts with each other, especially during Ramadan, in order to exploit their religious beliefs.

The Joint Task Force Guantanamo’s (JTF-GTMO) official Standard Operating Procedures (SOP) manual directed operations and interrogations for Camp Delta at Guantanamo Bay.³³² This manual was only released after a legal battle between the ACLU and the Department of Defense. The document clearly states that the purpose of the “Behavior Management Plan was to enhance and exploit the disorientation and disorganization felt by a newly arrived detainee in the interrogation process.³³³ It concentrated

³²⁹ Ibid.

³³⁰ Ibid., 109.

³³¹ Ibid., 160.

³³² "Camp Delta Standard Operating Procedure - Wikileaks", 2003, https://wikileaks.org/wiki/Camp_Delta_Standard_Operating_Procedure.

³³³ Ibid.

on isolating the detainee and fostering dependence of the detainee on his interrogator.³³⁴ This direct quote from the manual is indicative of the CIA's approach to torture and reveals that psychological manipulation and dependence were central in their strategies.

Staying true to its Cold War legacy, the CIA also considered using a "truth serum" on the detainees in addition to waterboarding and other torture techniques.³³⁵ As a part of "Project Medication," the CIA's Office of Medical Services (OMS) investigated the possibility of developing a truth serum based on old records of MKULTRA and other drug experiments conducted by the Soviet Union.³³⁶ The OMS also claimed that waterboarding was a welcome tactic for the detainees because it provided them an alternative to shackling and sleep deprivation.³³⁷ In a similar vein, the OMS also asserted that solitary confinement in a narrow box was preferred by detainees over other torture methods.³³⁸

Perhaps the most crucial marker of the CIA's conscious move towards psychological torture was the hiring of two psychologists by the CIA to develop their enhanced interrogation program.³³⁹ The Senate report investigating torture later found that these psychologists had worked with the Air Force's SERE school but were inexperienced in interrogation practices and techniques and were not well-versed with issues pertaining to Al-

³³⁴ Ibid.

³³⁵ Julian Borger, "CIA Doctors Considered Using 'Truth Serum' on Terror Suspects," *The Guardian*, November 14, 2018, <https://www.theguardian.com/us-news/2018/nov/13/cia-doctors-truth-serum-terror-suspects>.

³³⁶ Dror Ladin, "Secret CIA Document Shows Plan to Test Drugs on Prisoners," *American Civil Liberties Union* (blog), November 13, 2018. <https://www.aclu.org/blog/national-security/torture/secret-cia-document-shows-plan-test-drugs-prisoners/>.

³³⁷ Ibid.

³³⁸ Ibid.

³³⁹ United States and Dianne Feinstein, *The Senate Intelligence Committee Report on Torture: Committee Study of the Central Intelligence Agency's Detention and Interrogation Program*, 10.

Qaeda or terrorism.³⁴⁰ These psychologists, referred to as SWIGERT and DUNBAR, later identified as James Mitchell and Bruce Jessen respectively, developed theories of interrogation that were implemented in both Guantanamo Bay as well as Abu Ghraib, starting with the interrogation of Abu Zubaydah.³⁴¹ In many cases, they conducted the interrogations or were present in the room when they took place.³⁴² The Senate Report revealed that Mitchell and Jessen even established their own private firm for the sole purpose of consulting with the CIA.³⁴³ Despite the absence of waterboarding in the US Air Force, both Mitchell and Jessen asserted that waterboarding was crucial to overcoming resistance on behalf of the detainees.³⁴⁴ The duo also argued that by stimulating a sense of “learned helplessness” in detainees, CIA interrogators would find it easier to weaken the detainees’ strength and ability to resist to interrogations.³⁴⁵ In a document titled the “Exploitation Draft Plan,” the psychologists proposed that the CIA hold high value detainees in soundproof prisons that would be inaccessible to any outside agency, including the Red Cross.³⁴⁶ Gul Rahman’s death in the Salt Pit in Afghanistan occurred only a few days after a scheduled visit by Jessen to study and apply his theories of interrogation and torture.³⁴⁷

³⁴⁰ Ibid.

³⁴¹ Ibid.

³⁴² Ibid.

³⁴³ Ibid.

³⁴⁴ Ibid., 36.

³⁴⁵ United States and Dianne Feinstein, *The Senate Intelligence Committee Report on Torture: Committee Study of the Central Intelligence Agency's Detention and Interrogation Program*, 10.

³⁴⁶ Central Intelligence Agency, “Exploitation Draft Plan,” 2010.

https://www.thetorturedatabase.org/files/foia_subsite/expolitation_draft_plan.pdf

³⁴⁷ Larry Siems, "Inside the CIA's Black Site Torture Room," *The Guardian*, October 09, 2017, <https://www.theguardian.com/us-news/ng-interactive/2017/oct/09/cia-torture-black-site-enhanced-interrogation>

As a part of their work and contributions to the CIA, the American government paid Mitchell and Jessen around \$100 million to work with the enhanced interrogation program, much of which was funded by taxpayers' dollars. Thus, it is clear that the American government, through the CIA, had a vested interest in developing increasingly sophisticated torture techniques that not only physically incapacitated the detainees, but also broke them psychologically, ensuring that the interrogation sessions were as traumatic as they could possibly be.

CONCLUSION

On September 6th, 2006, George Bush delivered a televised address to the nation. He began his speech by invoking the emotional trauma that 9/11 had caused to Americans who had lost members of their family. He then linked the horror of the attack to his administration's military and intelligence strategies: "After 9/11, our coalition launched operations across the world to remove terrorist safe havens, and capture or kill terrorist operatives and leaders...Most of the enemy combatants we capture are held in Afghanistan or Iraq, where they're questioned by our military personnel."³⁴⁸ After admitting to the existence of CIA black sites in foreign countries, Bush also confirmed the existence of the enhanced interrogation program, making it the first time that an administration official had done so.³⁴⁹ In the speech, Bush claimed that the techniques used as a part of the program were highly effective and resulted in the acquisition of important intelligence, a claim that would later prove false.³⁵⁰ Indeed, in 2009, under the Obama administration, the Senate Intelligence Committee voted to initiate proceedings to undertake a review of the CIA's secret detention

³⁴⁸ "President Discusses Creation of Military Commissions To Try Suspected Terrorists," *George W Bush White House Archives*, accessed 8 April 2019, <https://georgewbush-whitehouse.archives.gov/news/releases/2006/09/20060906-3.html>.

³⁴⁹ Ibid.

³⁵⁰ Ibid.

and interrogation program.³⁵¹ On December 9th, 2014, Committee Chairman Dianne Feinstein released the executive summary of the original 6,700 page report.³⁵² One of the most important findings of the report was the fact that the enhanced interrogation techniques of torture had been ineffective.³⁵³

When President Obama took office in 2009, he issued an executive order that officially ended the enhanced interrogation program.³⁵⁴ The order banned waterboarding, sleep deprivation, stress positions, and other forms of torture that were infamously used in CIA black sites.³⁵⁵ This action, however, did not affect the future use of torture by the American government. Since Obama only issued an executive order and since Congress did not pass any legislation banning torture, the use of such techniques was not explicitly banned under American law. The American government's physical and psychological torture techniques had developed greatly since the military first used it in the Philippines in 1898, largely aided by the construction of specialized black sites. Moving away from the traditional paradigm of physical torture, the CIA's investment of over a billion dollars in perfecting torture during the Cold War was further improved and applied very deliberately during the Global War on Terror.

³⁵¹ Andrew Prokop, "The Huge New Senate Report on CIA Torture, Explained," *Vox*, December 9, 2014, <https://www.vox.com/2014/12/9/7339753/senate-torture-report>.

³⁵² United States and Dianne Feinstein, *The Senate Intelligence Committee Report on Torture: Committee study of the Central Intelligence Agency's Detention and Interrogation Program*, 10

³⁵³ *Ibid.*

³⁵⁴ Adam Serwer, "Obama's Legacy of Impunity For Torture," *The Atlantic*, March 14, 2018, <https://www.theatlantic.com/politics/archive/2018/03/obamas-legacy-of-impunity-for-torture/555578/>.

³⁵⁵ *Ibid.*

CONCLUSION: THE DOMESTIC CRIMINAL JUSTICE SYSTEM AND THE FUTURE OF TORTURE

While this thesis focused on the action of the American government abroad, the domestic criminal justice scene also paints a bleak picture. Today, the United States of America incarcerates more people than any other country in the world.³⁵⁶ American prisons hold nearly 25% of the world's incarcerated population, which amounts to almost 2.3 million people behind bars in American prisons.³⁵⁷ The Eighth Amendment to the US Constitution prohibits "cruel and unusual punishment," but the American government has systemically engaged in implementing it. While it is public knowledge that about 2.3 million people are imprisoned in America, the reality of what happens behind the walls of a prison is to a large extent unknown to the American public. Prisoners in America are frequently subject to harsh methods of punishment. They are often handcuffed to their bunks, made to strip in the presence of other prisoners and officers, and are deprived of timely meals.³⁵⁸ As of 2018, at least 60,000 people are serving in solitary confinement, even if serving in solitary is not part of the official court's sentence.³⁵⁹ According to the United Nations, subjecting a prisoner to more than 15 days in solitary confinement equals torture.³⁶⁰ The United States also frequently

³⁵⁶ "Mass Incarceration," *American Civil Liberties Union*, Accessed April 08, 2019, <https://www.aclu.org/issues/smart-justice/mass-incarceration>

³⁵⁷ Ibid.

³⁵⁸ Martin Garbus, "Cruel and Unusual Punishment in Jails and Prisons," *LA Times* Sept. 29, 2014, <http://www.latimes.com/opinion/op-ed/la-oe-garbus-prison-cruel-and-unusual-20140930-story.html>

³⁵⁹ Ibid.

³⁶⁰ "Solitary confinement should be banned in most cases, UN expert says," *UN News* Oct. 18, 2011, <https://news.un.org/en/story/2011/10/392012-solitary-confinement-should-be-banned-most-cases-un-expert-says>

tries juveniles as adults and sentences them to life in prison, making America the only country in the world where juvenile delinquents can be sentenced to life in prison.³⁶¹

Not only is the criminal justice system in America extremely retributive, the brunt of its punitive nature is exacted disproportionately on communities of color. According to the US Department of Justice, one in every three black men will be incarcerated at some point during his lifetime, and one in every six Latino men will face the same fate.³⁶² On the other hand, only 1 in 17 white men are expected to be incarcerated in their lifetimes. African-Americans are only 13% of the population of the United States but constitute 40% of America's prison population.³⁶³ The War on Drugs, which began in the late 1960s, also encouraged sentencing policies that severely impacted African-American and Latino communities. Under federal and some state sentencing guidelines, for example, until 2010, The trafficking of 28 grams of crack cocaine could trigger a mandatory minimum sentence, whereas it required 500 grams of powder cocaine to receive the same sentence.³⁶⁴ Crack

³⁶¹ "WHAT CRUEL AND UNUSUAL PUNISHMENT ARE KIDS IN AMERICA BEING SUBJECTED TO?," *American Civil Liberties Union*, Accessed April 08, 2019, <https://www.aclu.org/video/what-cruel-and-unusual-punishment-are-kids-america-being-subjected>

³⁶² Sarah Childress, "Michelle Alexander: 'A System of Racial and Social Control,'" *Huffington Post*, April 29, 2014, <https://www.pbs.org/wgbh/frontline/article/michelle-alexander-a-system-of-racial-and-social-control/>; Saki Knafo, "1 in 3 Black Males will go to Prison in Their Lifetime, Report Warns," *Huffpost*, October 4, 2013. https://www.huffpost.com/entry/racial-disparities-criminal-justice_n_4045144.

³⁶³ Rebecca C. Hetey and Jennifer L. Eberhardt, "The Numbers Don't Speak for Themselves: Racial Disparities and the Persistence of Inequality in the Criminal Justice System," *Current Directions in Psychological Science* 27, no. [3] (June, 2018): 183–87, Accessed April 08, 2019, doi:10.1177/0963721418763931.

³⁶⁴ Nazgol Ghandnooshi, "Black Lives Matter: Eliminating Racial Inequity in the Criminal Justice System," Washington, DC: *The Sentencing Project*, (2015), Accessed April 08, 2019,

cocaine is more popular amongst communities of color, and powder cocaine is mostly consumed by white drug offenders.

As detailed in the introduction to this thesis, criminal justice policies that disproportionately target African Americans and Latino Americans are only the most recent iterations of longer historical practices targeting people of color in the United States, which has included Native Americans, Latinos, and Asian-Americans. During World War II, Japanese-Americans, most of whom were American citizens, faced unconstitutional internment, demonstrating the important legal links between American domestic and foreign policy. After the attacks of 9/11, the criminal justice system extended such tactics to yet another minority group, Muslim Americans, once again extending its foreign policy strategies to the domestic legal system.

Post 9/11, the US government used the criminal justice system to target Muslim Americans. The New York Police Department surveilled and track Muslim communities in New York Cities under an unconstitutional mapping project. Many of the Muslims that the NYPD targeted were second and third generation American citizens. FBI training manuals mirrored CIA manuals to describe Islam as a “highly violent radical religion” and stated that American Muslims had a tendency to be “terrorist sympathizers.”³⁶⁵ This, according to the FBI, gave them the right to bend the law and violate the freedom of American Muslims in the interest of national security.

HOMAN SQUARE AND AMERICAN TORTURE FACTORIES

<https://www.sentencingproject.org/wp-content/uploads/2015/11/Black-Lives-Matter.pdf>

³⁶⁵ Andrew Rosenthal, “Liberty and Justice for Non-Muslims,” *The New York Times*, March 30, 2012, Accessed April 08. 2019, <https://takingnote.blogs.nytimes.com/2012/03/30/liberty-and-justice-for-non-muslims/>.

The culture of black sites and torture that the Americans perfected abroad was also replicated at home. In 2015, journalist Spencer Ackerman published a series of investigative accounts detailing the abuses that took place in Homan Square, a facility he refers to as a “black site” in Chicago, Illinois.³⁶⁶ Described as a secret interrogation center operated by the Cook County Police Department, at least 7,000 people were detained at Homan Square between 2004 and 2015.³⁶⁷ The detainees at Homan Square were disproportionately from communities of color; 82% of the recorded arrests were of African-Americans and 12% were Hispanic.³⁶⁸ The location of this domestic black site was also strategically planned, as it is located in Chicago’s West Side, which is a predominantly black and Hispanic community where most of the arrests were made.³⁶⁹

The police interrogations conducted at Homan Square mirrored American interrogation practices conducted abroad; they were both abusive and in violation of domestic law. Angel Perez, one of the prisoners held at Homan Square in 2012, reported that he was sexually abused by Chicago police officials at the detention center.³⁷⁰ In an account that is stunningly similar to Guantanamo Bay testimonies, Perez stated that he was shackled to a metal bar in an interrogation room and then threatened by officers. “They’re going to think you’re a little sexy bitch in jail. I hear that a big black nigger dick feels like a gun up your

³⁶⁶ Spencer Ackerman, “Homan Square Revealed: How Chicago Police 'Disappeared' 7,000 People,” *The Guardian*, October 19, 2015, accessed April 08, 2019, <https://www.theguardian.com/us-news/2015/oct/19/homan-square-chicago-police-disappeared-thousands>

³⁶⁷ Ibid.

³⁶⁸ Ibid.

³⁶⁹ Ibid.

³⁷⁰ Spencer Ackerman, “Homan Square detainee: I was Sexually Abused by Police at Chicago 'Black Site',” *The Guardian*, May 14, 2015, Accessed April 08, 2019, <https://www.theguardian.com/us-news/2015/may/14/homan-square-detainee-police-abuse>.

ass,” one of the police officers said to him about the possibility of him going to jail if he did not cooperate.³⁷¹ The police officers then pulled his pants down and proceeded to repeatedly sodomize him with a metal rod while taunted him with sexual remarks.³⁷² Perez was never formally charged with a crime or arrested, he was simply interrogated in an attempt to coerce a confession out of him.³⁷³ Another victim of the Chicago police’s torture, Jose Martinez, also described the inhumane treatment he was subject to in Homan Square. Martinez recalls being shackled, like Perez, in a detention room that “smelled like urine and feces.”³⁷⁴ He was starved and refused access to a restroom.³⁷⁵ *The Guardian*’s investigation into Homan Square revealed a pattern of abuses which included beating, shackling in stress positions, denying detainees the right to an attorney, and even detaining minors as young as 15.³⁷⁶ One detainee even died while in police custody at the facility.³⁷⁷ Clearly, these interrogation practices were in complete violation of established American domestic law.

Even the manner in which police initially arrested victims before bringing them to the undercover detention facility was illegal and unusual. Police officers often raided public places like gas stations and grocery stores in masks and wielding machine guns, confusing people who were unsure as to whether they were being kidnapped or robbed.³⁷⁸ Once they

³⁷¹ Ibid.

³⁷² Ibid.

³⁷³ Ibid.

³⁷⁴ Ibid.

³⁷⁵ Ibid.

³⁷⁶ Spencer Ackerman, “The Disappeared: Chicago Police Detain Americans at Abuse-laden ‘Black Site’,” *The Guardian*, February 24, 2015, Accessed April 08, 2019, <https://www.theguardian.com/us-news/2015/feb/24/chicago-police-detain-americans-black-site>.

³⁷⁷ Ibid.

³⁷⁸ Spencer Ackerman and Zack Stafford, “‘They looked like Isis’: Masked Raid Led to ‘Kidnapping’ at Chicago Police Site,” *The Guardian*, March 04, 2015, Accessed April 08.

were essentially kidnapped by police officers, they were not read their Miranda rights, nor were they informed about why they had been detained. Officers contravened legal practices in other ways to cover their actions. Most of the inmates detained at Homan Square were never entered into the searchable public database, contravening local police practices.³⁷⁹ Indeed, after they were captured, detainees essentially “vanished” from public view after they were sent to Homan Square. One Chicago attorney referred to the detention center as an “open secret” in the legal community as defense attorneys knew that if they could not locate their clients through the regular database, they were most likely held up in the secret facility.³⁸⁰ Homan Square was not the first or only place in Chicago where the government’s torture practices abroad found an American friend. The Area 2 precinct in Chicago, also infamous for its violent police practices, was home to Detective Jon Burge’s brutal policing regime in the late 1970s and 1980s.³⁸¹ Burge used to electrocute detainees after wiring them to a black box, a technique he acquired from his service during the Vietnam War.

According to Andrea Lyon, the Dean of Valparaiso University School of Law, sites like Homan Square were often referred to as “shadow sites” and were “analogous the CIA’s black sites” because the practices at Homan Square and international CIA black sites were so similar.³⁸² Like CIA black sites abroad, Homan Square was an extremely militarized, secretive compound protected by armored vehicles and surveillance systems.³⁸³ The facility

2019, <https://www.theguardian.com/us-news/2015/mar/04/chicago-police-masked-raid-homan-square>.

³⁷⁹ Ackerman, “The Disappeared,” *The Guardian*.

³⁸⁰ Ibid.

³⁸¹ Spencer Ackerman, “How Chicago Police Condemned the Innocent: A Trail of Coerced Confessions,” *The Guardian*, February 19, 2015, accessed April 08, 2019, <https://www.theguardian.com/us-news/2015/feb/19/chicago-police-richard-zuley-abuse-innocent-man>.

³⁸² Ibid.

included interrogation rooms which replicated CIA secret prisons abroad, notably windowless cells with extremely bright lights.³⁸⁴ Some detainees were put into cages through which they could speak to their attorneys in the rare event that they were allowed access to one.³⁸⁵ Detainees were also shackled to one another in their concrete cells. Criminologist Tracy Siska, who has studied sites such as Homan Square, argues that the links between CIA practices abroad and domestic legal practices were intricately linked: “The real danger in allowing practices like Guantanamo Bay or Abu Ghraib the fact that they always creep into other aspects. They creep into domestic law enforcement, either with weaponry like with the militarization of police, or interrogation practices. That’s how we ended up with a black site in Chicago.”³⁸⁶ The transfer of practices into and out of local American prisons and American military operations abroad is a dangerous cycle of abuse that has a well-documented history in American penal practices – but contrary to Siska’s assertion, the circulation of these practices did not just go from the international to the domestic.

Richard Zuley, a former Navy lieutenant and a Chicago detective who was one of the leading interrogators at Homan Square, took a leave of absence from the Chicago Police Department to join the Joint Task Force at Guantanamo Bay in 2004.³⁸⁷ According to *The Guardian’s* investigations, Richard Zuley was a key figure that represented a continuum in interrogation practices between local Chicago police precincts and the Global War on Terror sites.³⁸⁸ Before he went to Guantanamo, Zuley had participated brutal torture techniques

³⁸³ Spencer Ackerman, “Chicago’s Homan Square ‘Black Site’: Surveillance, Military-style Vehicles and a Metal Cage,” *The Guardian*, February 24, 2015, accessed April 08, 2019, <https://www.theguardian.com/us-news/2015/feb/24/chicago-homan-square-black-site>.

³⁸⁴ Ibid.

³⁸⁵ Ibid.

³⁸⁶ Ackerman, “The Disappeared,” *The Guardian*.

³⁸⁷ Ackerman, “How Chicago Police Condemned the Innocent,” *The Guardian*.

³⁸⁸ Ibid.

practiced on inmates, both in his own precinct and later at Homan Square, including shackling, stress positions, threats, and beatings.³⁸⁹ In 1994, Zuley had cuffed Andre Giggs to a wall for over 30 hours to force a false confession out of him.³⁹⁰ Benita Johnson, Lathierial Boyd, and Lee Harris, all detainees arrested by Zuley in Chicago between 1990-2013, also accused him of shackling them, planting false evidence, and using threats to coerce false confessions.³⁹¹ Recent court decisions deemed Zuley responsible for one wrongful conviction and many other cases are currently under investigation due to revelations of his illegal and abusive practices.³⁹² Back in 2004, however, his reputation for threatening detainees into talking earned him a place at the CIA black site in Guantanamo.

After he accepted his position at Guantanamo, Zuley set out to hone the torture skills that he had practiced for so long on American soil. Zuley oversaw the interrogation of Mohamedou Ould Slahi, a Mauritian detainee, in 2004.³⁹³ His interrogation plan for GTMO detainees was personally signed by Donald Rumsfeld and to date, Slahi's interrogation is one of the most brutal ones that took place in that facility. Zuley forced Slahi into stress positions, shackled him to metal bars in cold rooms, scared him with attack dogs, ordered that loud music be blasted in Slahi's cell and even threatened that his mother would be raped. These tactics eventually led Slahi into falsely confessing.³⁹⁴

Beyond the explicit use of torture in American prisons, prison architecture has also increasingly been designed to inflict psychological pain in inmates. The American criminal justice system is home to structures known as "supermax prisons," which are high-security

³⁸⁹ Ibid.

³⁹⁰ Ibid.

³⁹¹ Ibid.

³⁹² Ibid.

³⁹³ Ibid.

³⁹⁴ Ibid.

prisons that house high-value prisoners in solitary confinement.³⁹⁵ These structures hold prisoners in permanent solitary confinement for at least 23 hours a day.³⁹⁶ Supermax prisons rely on sensory deprivation, much like CIA black sites, and have extremely small, claustrophobic cells that are windowless and cold.³⁹⁷ The cell walls are also soundproof in order to prevent any form of communication between prisoners.³⁹⁸ Several lawyers and former inmates familiar with supermax prisons argue that the structure and architecture of the prison is designed to drive inmates insane.³⁹⁹ Colin Dayan, a scholar of maximum-security prisons in the United States, has argued that “the architecture itself is the form of torture.”⁴⁰⁰ These kind of facilities reveal that the design of prison structures that the American government recognized as central for its operations abroad was also acknowledged and enhanced on domestic soil. These examples also demonstrate that the American penal process is heavily dependent on torture, police brutality, and mass incarceration, and is often driven, implicitly or explicitly, by racial discrimination.

Harsh paramilitary policies are prevalent both within the United States and abroad – but they have been driven by more than just national security interests. The prison-industrial complex, which refers to a series of institutional policies that advocate increased spending on incarceration regardless of its impact and benefits, has greatly served the economic interests of those who control the prisons.⁴⁰¹ The “tough on crime” mentality has financially benefitted

³⁹⁵ Sean Clare and Daniel Nasaw, “Just How Bad are American ‘Supermax’ Prisons?,” *BBC News*, April 10, 2012, accessed on April 08, 2019, <https://www.bbc.com/news/uk-17663629>.

³⁹⁶ *Ibid.*

³⁹⁷ *Ibid.*

³⁹⁸ *Ibid.*

³⁹⁹ *Ibid.*

⁴⁰⁰ *Ibid.*

several states and private corporations through the exploitation of prison labor and the privatization of incarceration, notably in states like Texas, California, and New York, often considered the “birthplace” of the prison boom.⁴⁰²

The impact these policies have had on its victims has also deeply impacted mainstream American cultural beliefs and has given rise to a population that sees itself predominantly as potential victims rather than potential offenders, a dangerous perspective in a society where the bar for committing a crime is so low. Despite a preponderance of evidence that torture does not work in obtaining true confessions, a significant portion of the American public continues to believe that resorting to extreme practices of torture is successful.⁴⁰³ Torture has thus become deeply woven into the tapestry of American social relations, specifically at the expense of populations of color.

DONALD TRUMP AND THE ADMINISTRATOR OF TORTURE

Former President Barack Obama shut down the CIA’s enhanced interrogations program a few days after taking the oath of office in 2009, although the practice would continue under covert military programs such as the Joint Special Operations Command. Donald Trump brought the issue back to the table and into the open, however, during his 2016 campaign, when he publicly endorsed the use of torture and enhanced interrogation techniques.⁴⁰⁴ “Believe me, it works,” he claimed in one campaign speech, ignoring the 2014

⁴⁰¹ Eric Schlosser, "The Prison-Industrial Complex," *The Atlantic*, December, 1998, <https://www.theatlantic.com/magazine/archive/1998/12/the-prison-industrial-complex/304669/>.

⁴⁰² Ibid.

⁴⁰³ Alec Tyson, “Americans Divided in Views of Use of Torture in U.S. Anti-terror efforts,” *PEW Research*, January 26, 2017, accessed April 08, 2019, <https://www.pewresearch.org/fact-tank/2017/01/26/americans-divided-in-views-of-use-of-torture-in-u-s-anti-terror-efforts/>.

findings of the Senate Committee’s 6000-page report on American military practices that concluded that torture had not, in fact, worked for American interrogators.⁴⁰⁵ And if it did not work, Trump said, “they deserved it anyway, for what they’re doing.”⁴⁰⁶

On the campaign trail, Trump also promised to keep Guantanamo Bay thriving, and shortly after he became president, signed an executive order in February 2018 to keep the facility open.⁴⁰⁷ Around 41 prisoners still remain detained at the prison site. In his first State of the Union address, Trump addressed the issue of keeping Guantanamo open and stated that releasing prisoners from the base was dangerous, as several former detainees had committed acts of violence upon exit.⁴⁰⁸ However, according to a report released by the Director of National Intelligence, only 4 out of the 196 detainees released by the Obama administration “reengaged” in terrorism related activities.⁴⁰⁹ The term “reengage” is also ambiguous, and implies that the subject in question initially committed a crime related to terrorism, which was not the case with several of the detainees captured in these facilities who, by the American government’s own determinations, were found innocent.⁴¹⁰ In fact, some reports

⁴⁰⁴ Jenna Johnson, “Trump Says ‘Torture Works,’ Backs Waterboarding and ‘Much Worse,’” *The Washington Post*, February 17, 2016, accessed April 08, 2019, https://www.washingtonpost.com/politics/trump-says-torture-works-backs-waterboarding-and-much-worse/2016/02/17/4c9277be-d59c-11e5-b195-2e29a4e13425_story.html?utm_term=.ac74dd1bb663.

⁴⁰⁵ Ibid.

⁴⁰⁶ Ibid.

⁴⁰⁷ Saher Khan, “Trump Signed an Executive Order to Keep the Guantanamo Bay Prison Open. Will anything change?,” *PBS*, February 02, 2018, accessed April 08, 2019, <https://www.pbs.org/newshour/politics/trump-signed-an-executive-order-to-keep-the-guantanamo-bay-prison-open-will-anything-change>.

⁴⁰⁸ Ibid.

⁴⁰⁹ Ibid.

have claimed that it was the US government's extreme practices of torture and abuse at GITMO that led previously dormant prisoners to later pursue violent acts of extremism against the United States.⁴¹¹

Trump's choice of cabinet members also reignited the torture debate during his administration. His first pick to head the CIA was Mike Pompeo, a Republican congressman who confirmed that after consulting with experts, he would consider reintroducing the use of torture in future CIA interrogations. This has left the question of whether torture has been reintroduced under Trump open-ended and unknown.⁴¹² Following Pompeo's move to the position of Secretary of State, Trump appointed Gina Haspel to run the CIA. Haspel personally oversaw the use of torture in the CIA's first post 9/11 black site in Thailand in 2003.⁴¹³ Steven Bradbury, Trump's pick to head the Department of Transportation, also has ties to the War on Terror torture program. Bradbury helped author the Torture Memos that were used to exploit legal loopholes under the Bush administration to conduct torture.⁴¹⁴ While his department does not have any direct impact on the future of torture in American policy, elevating Bradbury to this position only serves to normalize his views and represents yet another example of the administration's endorsement of policy makers who support the

⁴¹⁰ Ibid.

⁴¹¹ Ibid.

⁴¹² Elias Groll, "Kansas Rep. Pompeo, Toying With Torture, Confirmed as New CIA Chief," *Foreign Policy*, January 23, 2017, accessed April 08, 2019, <https://foreignpolicy.com/2017/01/23/kansas-rep-pompeo-toying-with-torture-confirmed-as-new-cia-chief/>.

⁴¹³ Elise Swain, "It's Still Open: Will the Guantanamo Bay Prison Become a 2020 Issue?," *The Intercept*, March 3, 2019, accessed April 08, 2019, <https://theintercept.com/2019/03/03/guantanamo-bay-carol-rosenberg-intercepted/>.

⁴¹⁴ Jamie Ducharme, "John McCain Tried to Block a Routine Trump Appointment Over Torture," *Time*, November 15, 2017, accessed April 08, 2019, <http://time.com/5025470/john-mccain-steven-bradbury-torture/>.

use of torture. One of Trump's picks for the position of federal judge, Howard Nielson, also has a history of ruling in favor of the use of coercive techniques during interrogations.⁴¹⁵ In 2005, Nielson had authored his own memo in support of the Torture Memos released by the Bush administration.⁴¹⁶

The continued use of torture in American detention facilities has become even more significant in light of recent practices in detention centers run by the Immigration and Customs Enforcement agency (ICE), which was created in 2003. Most detainees under ICE have not been charged with criminal acts and are simply immigrants awaiting status on asylum applications or hearings. Nonetheless, agents in these centers have been accused of numerous civil and human rights violations that mirror practices applied in American prisons. ICE guards have been accused of using pepper spray and physical violence against detainees.⁴¹⁷ Recent investigative reports have noted that 185 people died in ICE custody between 2003 and 2018.⁴¹⁸ The gravity of the situation has mounted in the last two years with the increase in ICE detentions under President Trump's "zero-tolerance" policies on illegal

⁴¹⁵ Benjamin Haas, "Trump's Torture Appointees," *Just Security*, March 15, 2018, accessed April 08, 2019, <https://www.justsecurity.org/53882/torture-appointees/>.

⁴¹⁶ Howard C. Nielson, Jr., "Memorandum for the Files Regarding Whether Persons Captured and Detained in Afghanistan are 'Protected Persons' Under the Fourth Geneva Convention [August 5, 2005]," *United States. Department of Justice. Office of Legal Counsel*, August 05, 2005, accessed April 08, 2019, retrieved from <https://www.justice.gov/sites/default/files/olc/legacy/2009/12/30/aclu-ii-080505.pdf>.

Beth Van Schaack, "Judicial Nominee Howard C. Nielson's Own Torture Memo," *Just Security*, January 02, 2018, accessed April 08, 2019, <https://www.justsecurity.org/50290/judicial-nominee-howard-c-nielsons-torture-memo/>.

⁴¹⁷ Ibid.

⁴¹⁸ Brian Padden, "US Immigrant Detentions, Accusations of Rights Violations Rise," *VOA News*, December 15, 2018, accessed April 08, 2019, <https://www.voanews.com/a/us-immigrant-detentions-accusations-of-rights-violations-rise/4701945.html>.

immigration, which he initiated in response to an alleged “crisis at the Southern border.”⁴¹⁹ There are currently over 48,000 people being held in ICE detention centers across 200 facilities around the United States.⁴²⁰

Many detainees have protested the inhumane conditions they have been subjected to at these centers. Some Sikh asylum seekers who went on hunger strikes in 2018 were forced by officials.⁴²¹ This included physically restraining detainees to a bed and using a tube to pump nutrients down their throats, in a method very similar to the “chair restraint system clinical protocol” practiced at Guantanamo Bay.⁴²² A UN official familiar with the technique at ICE detention centers said that force-feeding detainees could count as torture under international law.⁴²³

Much like the domestic prison system, Many ICE detention centers are run by private contractors and not government agencies.⁴²⁴ Under a system called the “Voluntary Work Program,” the companies running these private prisons have coerced immigrant detainees and asylum seekers into providing their labor for as little as \$1 a day. Although labeled “voluntary,” detainees who refused to participate were often punished.⁴²⁵ Apart from forced

⁴¹⁹ Ibid.

⁴²⁰ Victoria Law, “End Forced Labor in Immigrant Detention,” *The New York Times*, January 29, 2019, accessed April 08, 2019, <https://www.nytimes.com/2019/01/29/opinion/forced-labor-immigrants.html?action=click&module=Opinion&pgtype=Homepage>.

⁴²¹ Mike Ludwig, “Incarcerated Immigrants Are Being Tortured,” *Truthout*, February 13, 2019, accessed April 08, 2019, <https://truthout.org/articles/incarcerated-immigrants-are-being-tortured/>.

⁴²² Charles S. Pierce, “Force-Feeding Is Torture, and the United States Government is Doing It in Your Name,” *Esquire*, February 4, 2019, accessed April 08, 2019, <https://www.esquire.com/news-politics/politics/a26132822/ice-force-feeding-inmates-torture-hunger-strike/>.

⁴²³ Ludwig, “Incarcerated Immigrants Are Being Tortured,” *Truthout*.

⁴²⁴ Ibid

labor, starvation, and physical abuse, over 1200 cases of sexual abuse by government officers have also been reported in ICE detention centers.⁴²⁶ These range from cases of verbal harassment to brutal gang rapes. Over 3/4th of these allegations of sexual abuse have gone uninvestigated.⁴²⁷

THE LEGACY OF TORTURE AND BLACK SITES

As these recent practices demonstrate, the active as well as tacit condoning of torture by the Trump administration signals that the end of the torture debate has not yet arrived, and most likely will not arrive in the foreseeable future. The global outcry over the American government's use of torture after 9/11 has not deterred the US from closing down its black sites but has rather encouraged the government to become more creative with where and how it chooses to practice its policies. In 2017, the *New York Times* reported that the American government was operating "floating Guantanamos," or secret prisons in the Pacific Ocean in order to avoid scrutiny under the domestic criminal justice system and international law.⁴²⁸ In these floating prisons, prisoners have been shackled to the deck of the ship, forced to defecate in a bucket, and were not allowed to move.⁴²⁹ They have been forced to stand for hours on end, starved, and provided no shelter from cold winds or rain.⁴³⁰ Donald Trump's former Chief of Staff, John Kelly, played a major role in expanding the power of the US Coast

⁴²⁵ Law, "End Forced Labor in Immigrant Detention," *The New York Times*.

⁴²⁶ Alice Speri, "Detained, then Violated," *The Intercept*, April 11, 2018, accessed April 08, 2019, <https://theintercept.com/2018/04/11/immigration-detention-sexual-abuse-ice-dhs/>.

⁴²⁷ Ibid.

⁴²⁸ Seth Freed Wessler, "The Coast Guard's 'Floating Guantanamos'," *The New York Times*, November 20, 2017, accessed April 08, 2019, <https://www.nytimes.com/2017/11/20/magazine/the-coast-guards-floating-guantanamos.html>.

⁴²⁹ Ibid

⁴³⁰ Ibid

Guard to secure such detentions, whose primary purpose was to detain and interrogate supposed drug peddlers.⁴³¹

As this thesis has demonstrated, the practice, justification, and endorsement of torture is not just a Trump phenomenon, but an American phenomenon. Although Donald Trump and his administration's rhetoric on the use of torture and black sites may seem like another watershed moment that lies outside of the pattern of history, in reality it is merely a continuation and acceleration of American policies and practices that have existed for over a century.

⁴³¹ Traci Tong, "The US Coast Guard is Operating Floating Prisons in the Pacific Ocean, Outside US Legal Protections," *PRI*, November 24, 2017, accessed April 08, 2019, <https://www.pri.org/stories/2017-11-24/us-coast-guard-operating-floating-prisons-pacific-ocean-outside-us-legal>.

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