

# America's Tortured Past

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On August 24, an ACLU press release stated:

In response to two Freedom of Information Act (FOIA) lawsuits, "The government today handed over to the American Civil Liberties Union (one of dozens of documents comprising an unprecedented 130,000 previously secret pages, including) a detailed official description of the CIA's interrogation program."

Referring to a heavily redacted December 2004 report (originally commissioned by CIA director George Tenet) detailing torture of prisoners in Iraq and Afghanistan, it "describes the use of abusive interrogation techniques including forced nudity, sleep deprivation, dietary manipulation and stress positions." Far worse ones were understated or redacted entirely.

According to Jameel Jaffer, Director of the ACLU National Security Project:

The report "is a profoundly disturbing document that illustrates, as well as anything could, how far the CIA strayed from the law and from values that are integral to our democracy. That the barbaric methods outlined in the paper were approved by the country's senior-most officials is particularly appalling."

Bush's Justice Department office of legal counsel head, now a federal appeals court judge, Jay Bybee, advised the CIA that torture and threats of imminent death were legal if they didn't cause mental harm even though US and international law forbid all forms at all times with no exceptions allowed for any reason.

Given America's tortured past, none of this should surprise. More on that below.

On August 25 in The New York Times, Scott Shane and Mark Mazzetti headlined: "Report Shows Tight CIA Control on Interrogations." Claiming it "focused on aberrations in the field," the writers said "by no means (did it represent) gung-ho operatives running wild. It is a portrait of overwhelming control exercised from CIA headquarters and the Department of Justice - control Bush administration officials say was intended to ensure that the program was safe and legal."

These same officials said:

- federal courts have no jurisdiction and can't review detainee mistreatment or mistaken arrests;
- US and international laws don't apply in the "war on terror;" and

— the President as Commander-in-Chief enjoys “the fullest range of power to protect the nation....(that he has) complete discretion in the exercise of his authority in conducting operations against hostile forces.”

The 2006 Military Commissions Act authorized torture, created the lawless category of “unlawful enemy combatants,” denied them judicial fairness, claimed they can be disappeared, indefinitely detained with no right to counsel, then tried by kangaroo tribunals with no right of appeal and executed.

To protect national security, they may be subjected to all forms of abuse, innocent or guilty, and the right of “military necessity” justifies the most extreme mistreatment.

Any form of intense and prolonged physical and psychological torture may be inflicted short of causing injuries resulting in death, organ failure, or permanent damage – continuing America’s long tradition of inflicting abusive barbaric treatment.

The Times gave examples, but omitted prolonged isolation, sensory deprivation, painful shackling, severe beatings, electric shocks, induced hypothermia, exposure to bright lights and eardrum-shattering sounds 24 hours a day, denial of medical care, proper food or enough of it, excruciating force-feeding to hunger-strikers, induced psychological trauma, forced sodomy, threats and bites by attack dogs, being blindfolded and hung from the ceiling by their wrists, and subjected to repeated humiliations, indignities and barbarism for months, even years, although most Guantanamo detainees (and others) committed no crime and were turned in for bounties that snared children as young as 13.

Deaths resulted from asphyxiation, extreme beatings, and deprivation prolonged enough to cause organ failure. Yet Attorney General Eric Holder plans no more than prosecutorial investigations (by a career Justice Department insider) of “rogue” agents, not top officials who authorized their crimes and bear main responsibility for them.

At the same time, Obama’s Interrogation and Transfer Policy Task Force will continue the Bush administration’s policy of extraordinary renditions to countries with disturbing histories of torture, provoking outcries from human rights activists. It assures continuation of abusive practices despite hollow assurances of closer monitoring, more humane treatment, and greater access for diplomats – the same never honored Bush administration pledges suggesting a similar betrayal by Obama.

#### Revealed CIA Report Abuses

On August 28, the Washington Post headlined, “CIA Releases Its Instructions For Breaking a Detainee’s Will,” then continued:

“As the session begins, the detainee stands naked, except for a hood covering his head. Guards shackle his arms and legs, then slip a small collar around his neck. The collar will be used later; according to CIA guidelines for interrogations, it will serve as a handle for slamming the detainee’s head against a wall.”

“After removing the hood, the interrogator opens with a slap across the face (followed by more slaps). Next comes head-slamming, or ‘walling’.... ‘twenty or thirty times consecutively’ is permissible (and) if that fails, there are far harsher techniques to be tried.”

The New York Times said the Bush administration’s Justice Department knew about two

dozen abuse cases years ago but declined to pursue prosecutions despite detainee deaths and other extreme examples of torture.

Manadel al-Jamadi was a victim. Captured by Navy Seals in October 2003, he was beaten and tortured, then suspended from a barred window with his arms tied behind his back. He died in November. Army reservist Charles Graner was subsequently convicted and sentenced to 10 years imprisonment at Fort Leavenworth military prison. Eight Navy Seals received light administrative punishment for torturing al-Jamadi and other prisoners. Higher-ups at Abu Ghraib remained free to abuse others.

Redacting the worst crimes and omitting all committed at secret “black sites,” the CIA report revealed the following:

- one or more detainees were told their mothers would be raped in their presence;
- CIA operatives conducted mock executions by firing guns in adjoining rooms even though a federal law expressly forbids threatening detainees with imminent death;
- Khalid Sheikh Mohammed was told his children would be killed if America experienced another terrorist attack;
- a detainee was repeatedly knocked out from pressure to his carotid artery;
- inmates were threatened with guns;
- Abd al-Rahim al-Nashiri, the accused mastermind of the October 2000 US Cole bombing, was terrorized with a power drill, nearly drowned by waterboarding, and according to a 2006 ICRC report was threatened with sodomy and the arrest and rape of his family;
- other evidence from an internal Justice Department investigation revealed reports of prisoners abused in US military custody as early as 2002; Secretary of State Condoleezza Rice was informed and did nothing to stop them;
- a December 2004-initiated Office of Inspector General (OIG) investigation revealed that top White House, Defense Department and CIA officials turned a blind eye to repeated acts of torture and abuse; in addition, the FBI knew about them, failed to act, and only belatedly reported them after Abu Ghraib photographs became public.

CIA officials knew they faced “potentially serious long-term political and legal challenges as a result of the program, particularly (their) use of (extreme interrogation practices) and the inability of the US Government to decide what it will ultimately do with terrorists detained by the agency.” They also feared public knowledge could “seriously damage....the reputation and effectiveness of the agency itself.” Yet they continued the most abusive practices and still do given the cover afforded them by the Obama administration.

### America’s Tortured Past

Many, perhaps most or all countries have used torture at times in their past, so it shouldn’t surprise that America did as far back as before the republic’s birth. Accused 17th century Salem witches faced abusive interrogations, a less extreme form of waterboarding, grueling trials, death by hanging for those convicted, and at least one victim was crushed to death under heavy boulders. None so far as known was burned alive.

Native Americans were (and still are) victims of genocide through mass slaughter, starvation, neglect, and by exposing them to deadly pathogens like smallpox and other diseases, including influenza, whooping cough, diphtheria, typhus, plague, cholera, and scarlet fever.

Entire tribes were annihilated. Columbus exterminated the whole Hispaniola population by torture, mass-murder, forced labor, starvation, disease, despair, stabbing natives for sport, dashing babies' heads on rocks, letting children be eaten by dogs, beheadings, and burning people at the stake among other atrocities, including especially brutal treatment of women.

In the antebellum South, slaves were tortured by whipping, painful restraint, prolonged isolation in a sealed shed with choking tobacco smoke, and by other punishments. Theodore Roosevelt defended water torture (today's waterboarding) called the "water cure" to extract confessions from Filipinos because "nobody was seriously damaged."

In 1995, Bill Clinton issued Presidential Decision Directive 39 (PDD-39) authorizing extraordinary rendition to other countries for interrogations and torture.

### Torture As A Weapon of War

In his book, "War Without Mercy," John Dower documented atrocities by both sides in the Pacific war. American forces "mutilat(ed) Japanese war dead for souvenirs, attack(ed) and (sank) hospital ships, sho(t) sailers who had abandoned ship and pilots who had bailed out, kill(ed) wounded soldiers on the battlefield, and tortur(ed) and execut(ed) prisoners."

Japanese ones aside, American atrocities included civilian abuse, burying combatants alive, and routinely using torture against a race called so vile and subhuman that all forms of barbarism were justified to exterminate them.

In the Korean War, mass indiscriminate killing of civilians was commonplace. It got General Curtis LeMay to boast that US planes "burned down every town in North Korea," killing 20% or more of the population. Both sides committed barbaric acts, including massacres and torture.

Korean expert Bruce Cumings explained the "extraordinary destructiveness of the United States air campaigns, from the widespread and continuous use of firebombing (mainly with napalm), to threats to use nuclear and chemical weapons," to the use of biological weapons, to incinerating whole towns and villages, turning the entire North to rubble, and slaughtering millions of its people, mainly civilians.

In Hwangjoo County, US forces designated one area a hand-grenade field, killing 500 civilians. Prisoners and civilians were buried alive, burned, drowned, shot, stabbed, and beaten to death. In Hwemun Village in Erang County, one woman, after arrest, was forcibly mutilated. Her breasts, legs, and arms were cut off. Then her eyes were gouged out before she was stabbed to death. Others were beheaded. Thousands of civilians were brutally tortured. One family of six was hanged upside down from a tree and burned alive. Another civilian was skinned alive, then burned to death.

Still others were murdered with bats, spears, stones, sticks, clubs, flails, and pickaxes. Women were assaulted and raped. In all, US forces massacred tens of thousands of civilians systematically, ruthlessly, and brutally, including by disemboweling them while alive.

Barbarity in Vietnam was even worse. Atrocities were widespread and commonplace, including massacres, rape, torture, mutilations, wanton mass destruction, use of chemical and biological weapons, and as Richard Nixon told Henry Kissinger: “We’re gonna level that goddam country. We’re gonna hit ‘em, bomb the livin’ bejusus out of ‘em.” Kissinger concurred in replying: “Mr. President, I will enthusiastically support that, and I think it’s the right thing to do.”

US forces got carte blanche to carpet bomb, incinerate entire villages, burn people alive, fire freely on civilians, murder wounded prisoners or beat them to death, throw people out of helicopters, torture sadistically, gang rape young girls, and commit every imaginable atrocity to people called gooks, vermin, or as General William Westmoreland described them, “worthless termites.” Against them, as in the Middle East and Central Asia, inflicting any form of human suffering is permissible.

### Torture by US Police

For decades to the present, police have used torture to intimidate, extract confessions, treat people of color especially sadistically, especially black men. In Chicago, the practice has been scandalous according to the Human Rights at Home Chicago Police Torture Archive. Below is the timeline of one of the most egregious examples:

- in May 1972, the notorious Jon Burge (trained in torture techniques in Vietnam) was assigned to the Area Two detective division on the city’s South Side, a predominantly black community;
- in August 1972, allegations of torture against him and other detectives surfaced;
- in May, 1973, Anthony Jones was tortured by electric shock and suffocation with a plastic bag;
- in 1977, Burge was promoted to sergeant;
- from 1973 – 1981, torture allegations were made against him and his men; Russian roulette, brutal beatings, and other abuses were cited;
- in 1981, Burge was promoted to lieutenant in charge of the Violent Crimes Unit at Area 2;
- from 1981 – 1993, dozens of victims made torture accusations, suits were filed, but through 1990, the administration and City Council took no action; Mayor Daley made “no comment whatever;”
- after torturing detainees for 21 years, the Chicago Police Board fired Burge;
- in March 1993, the Fraternal Order of Police planned to honor him with a float in the annual St. Patrick Day’s parade; community outrage stopped it;
- in 1993 and 1994, torture allegations against other officers were investigated; through 1998, no action was taken;
- in November 1999, torture expert Dr. Robert Kirschner testified that abuses by Chicago police followed a pattern found in nations where the military and other security forces practice it;

- in 2004, several former black detectives under Burge admitted in sworn statements that they saw or heard evidence of torture, saw implements used (including Burge's "shock box"), and that abusive practices were an "open secret" at Area 2;
- Burge was never charged with a crime, is retired, and now lives in Florida; and
- the Burge case was notorious in Chicago, but is just the tip of the iceberg there and throughout the country; rarely are abusers held accountable; often they're rewarded and promoted.

#### Torture in US Prisons

Imprisonments are to punish, not rehabilitate, as those confined can attest, and what's experienced inside is shocking and lawless, but prisoners are powerless to resist:

- savage beatings by prison guards and other inmates;
- psychological intimidation and abuse;
- attacks by fierce dogs;
- arbitrary abusive shakedowns;
- lengthy solitary confinement for minor infractions;
- abusive strip searches;
- extended lockdowns during which prisoners are confined to their cells;
- electroshocks with cattle prods and 50,000 volt emitting Tasers that leave victims shaking for hours and are potent enough to kill;
- assaults by toxic chemicals like pepper spray or mace that cause severe pain, second degree burns, temporary blindness, and occasionally death; and
- sodomy by guards and other inmates.

Supermax confinement is much worse:

- the above abuses and extreme deprivation are common;
- inmates have little contact with staff and none with other prisoners;
- they're confined alone in small windowless cells for 23 hours a day;
- they have no work, social contact, education, recreation, rehabilitation, or privacy;
- when outside their cells, they're painfully shackled and escorted by four-man teams; and
- over time, the toll is devastating: severe anxiety and panic attacks; lethargy; insomnia, nightmares; dizziness; irrational anger, at times uncontrollable; confusion; social withdrawal; loss of memory and appetite; delusions and hallucinations; self-mutilation; profound despair and hopelessness; suicidal thoughts; and paranoia and schizophrenia.



Many are too scarred psychologically to ever adjust normally again in society. The Eighth Amendment prohibits cruel and unusual punishment. In US prisons, it's brutally inflicted. At around 2.4 million, America has the world's largest prison population, more than China and India combined. Poor blacks and Latinos comprise two-thirds of it. Most prisoners committed non-violent crimes (commonly elicit drugs possession) yet are victims of violence inside against which they have no redress or ability to avoid.

### The CIA's Tortured Past

Since the 1950s, the CIA conducted torture experiments, including very harsh mind control forms. At McGill University's Allan Memorial Institute, the agency funded Dr. Ewen Cameron's work with psychiatric patients, keeping them asleep and isolated for weeks, administering LSD and PCP angel dust cocktails, then monitoring the results. They showed that sensory deprivation and hallucinogenic drugs disrupt clear thinking enough to make subjects receptive to suggestion. The CIA developed a new interrogation technique that University of Wisconsin historian Alfred McCoy called "the first real revolution in the cruel science of pain in more than three centuries."

In his book, "A Question of Torture," McCoy explained how techniques were developed, refined, codified in manuals, used extensively in Southeast Asia, Central America, and now everywhere, including in Iraq, Afghanistan, and at secret black sites globally. A worldwide gulag exists with no oversight or legal compliance – on US bases, torture ships, and in prisons of complicit countries. Nothing is banned, including the most inhumanely harmful abuses.

At Fort Benning, Georgia's School of the Americas, SOA (renamed the Western Hemisphere Institute for Security Cooperation, or WHINSEC), hemispheric security force students are taught the latest ways to torture, repress, exterminate poor and indigenous people, overthrow democratically elected governments, assassinate targeted leaders, and suppress popular resistance when it erupts. They practice techniques of sensory deprivation and overload, mind control, forced nudity and other humiliations, sleep and food manipulation, how to inflict physical and psychological pain, and commit virtually any atrocity imaginable, designed for maximum impact.

In making a case for "torture warrants," Harvard Law Professor Alan Dershowitz asked "should law enforcement be authorized to torture suspects who are thought to have information about a ticking bomb," then claimed that "scenario had long been a staple of legal and political philosophers" to justify the most extreme forms of abuse.

Torture, he claims, "can sometimes produce truthful information" despite its prohibition at all times for any purpose. In addition, experts say it doesn't work and non-abusive practices are much more effective. The US Army Field Manual 34-52, Chapter 1 says:

"Experience indicates that the use of force is not necessary to gain the cooperation of sources for interrogation. Therefore, the use of force is a poor technique, as it yields unreliable results, may damage subsequent collection efforts, and can induce the source to say whatever he thinks the interrogator wants to hear."

A declassified May 10, 2004 FBI document said the agency "has been successful for many years obtaining confessions via non-confrontational interviewing techniques." A former FBI interrogator said torture turns people into terrorists, and top CIA and military experts

categorically say torture doesn't work.

Yet apologists like Dershowitz and others claim it does and in ticking bomb cases is justified. He and at least four other Harvard Law School professors agree, leading international human rights expert and University of Illinois Law School Professor Francis Boyle to call "Harvard's Gitmo Kangaroo Law School" the "School for Torturers" and advises parents not to "send your children (there) where they will grow up to become racist war criminals!....Harvard is to Law School as Torture is to Law....Harvard Law School is a Neo-Con cesspool....no longer fit to educate Lawyers, Members of the Bar, and Officers of the Court."

#### George Bush's Secret Torture Memorandum

Dated February 7, 2002, it directed the Vice-President, Secretaries of State and Defense, Attorney General, White House Chief of Staff, CIA Director, National Security Affairs Assistant, and Joint Chiefs Chairman regarding "Humane Treatment of Taliban and al Qaeda Detainees."

It states:

Regarding the treatment of Taliban and al Qaeda detainees, "Geneva applies to conflicts involving 'High Contracting Parties,' which can only be states. However, the war against terrorism ushers in a new paradigm, one in which groups with broad, international reach commit horrific acts against innocent civilians, sometimes with the direct support of states. (This) requires new thinking in the law of war (thus) I hereby determine as follows:

— "...none of the provisions of Geneva apply to our conflict with al Qaeda in Afghanistan or elsewhere throughout the world...."

— "...I have the authority under the Constitution to suspend Geneva between the United States and Afghanistan (but) I determine that the provisions of Geneva will apply to our present conflict with the Taliban;"

— however, "I....determine that common Article 3 of Geneva does not apply to either al Qaeda or Taliban detainees....; (Therefore, these detainees) are unlawful combatants and....do not qualify as prisoners of war under Article 4 of Geneva...."

"I hereby direct the secretary of state to communicate my determinations in an appropriate manner to our allies, and other countries and international organizations cooperating in the war against terrorism of global reach."

Signed,

George W. Bush

On July 9 in Common Dreams, former CIA officer Ray McGovern wrote: "Seldom does a crime scene have so clear a smoking gun" that exposes the president authorizing torture as official US policy and commanding his top officials to implement it.

Barack Obama's January 22 Executive Orders banned torture, directed the closure of CIA black sites and Guantanamo, and the "immediate review of all" its detainees. They also halted Military Commission proceedings, and assured that "humane standards of



confinement” will be observed in accordance with international humanitarian laws, including Common Article 3 of the Geneva Conventions. It prohibits:

- “violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- outrages of personal dignity, in particular humiliating and degrading treatment;”
- carrying out sentences or execution “without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples;” and
- caring for the wounded and sick, including by an impartial body like the ICRC “offer(ing) its services to the Parties to the conflict.”

He ordered the rule of law restored, but never followed through. Detainees are still at Guantanamo. Conditions and practices there are unchanged. Torture and other indignities remain official US policy. Inmate lawyers report a ramping up of abuses, including beatings, dislocation of limbs, pepper spraying in closed cells, force-feeding of hunger strikers, and other violations of US and international laws.

In addition, CIA black sites remain open. Extraordinary renditions were reauthorized. Restoring the rule of law was abandoned. The Global War on Terror was rebranded the “Overseas Contingency Operation” to include the Iraq and Afghanistan conflicts and enemies throughout the world.

Policies are unchanged under an administration as lawless as its predecessor and with an “absolute (commitment) to eliminat(e) the threat of terrorism (with) the full force of our power,” including by using torture.

In a March 2008 campaign speech, Obama said the following:

“I believe that we must reject torture without equivocation because it does not make us safe, it results in unreliable intelligence, it puts our troops at risk, and it contradicts core American values. When I am president, the American people and the world will be able to trust that I will outlaw torture.”

In office, Obama abandoned his promise to continue America’s sordid, tortured past in violation of the rule of law, ethical and moral standards, and everything he swore he’d change.

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