



Torture, American Style

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Introduction

By Margaret Power

When pictures of Iraqi prisoners tortured and abused by U.S. troops appeared on television screens and in newspapers across the country, many Americans recoiled in horror, disgust, and shock. How could members of the U.S. military carry out such heinous acts against the people we had supposedly come to liberate? Compounding this tragic irony is the fact that the Bush administration had repeatedly offered Saddam Hussein's use of torture against the Iraqi people as one of the many pretexts presented by the U.S. government to try and justify its invasion of Iraq.

Many in this country, especially officials in the Bush administration, would like us to believe that the horrific acts of torture conducted in Abu Ghraib prison in Baghdad were an aberration, the atypical behavior of a few bad apples. Unfortunately, this is not the case. As the articles in this pamphlet show, the use of torture by the U.S. government and citizens has a long and sordid history both in the United States and abroad. This pamphlet is not an exhaustive study of the use of torture; it focuses specifically on cases of torture conducted by U.S. citizens furthering policies sanctioned by the U.S. state.¹

Bruce Franklin's article, "The American Prison and the Normalization of Torture," shows how the American prison system developed into a central institution of U.S. society, one that has made torture routine and acceptable. The physical, mental, and sexual abuse glimpsed at Abu Ghraib is part of the daily experience for two million people caged in American prisons, while most of the rest of the American public acquiesces or denies the reality of this torture.

Don Luce's essay, "The Tiger Cages of Con Son," reveals again, as did his original testimony in the 1970s, the depths to which the U.S. government sank in its ultimately futile efforts to defeat the Vietnamese people. It imprisoned those Vietnamese it considered "the enemy" in tiger cages, subjected them to physical abuses, deprived them of food and water, and, as if all that was not bad enough, poured lye on them to burn and scar them.

Jane Franklin's "Guantánamo Prison" reveals

how Washington's forced occupation of Cuban territory a century ago has led to its logical conclusion – a prison. Used first for Haitians and Cubans and then for captives of the "War on Terror," the U.S. military base has become a crucible for torture exported to Afghanistan and Iraq.

Marjorie Cohn's article, "Bush & Co.: War Crimes and Cover-Up,"² asks why the torture story has virtually disappeared from the media and much of the public consciousness. To answer this question, she examines the inner machinations of the Bush administration and the history of its discussions and directives on torture.

John Cox's article, "The Abu Ghraib Scandal and the U.S. Occupation of Iraq," accomplishes several critical goals. It succinctly summarizes the history of the scandal at Abu Ghraib and the investigations into it and discusses who is responsible for the abuses. Cox also makes the important point that much of the U.S. media coverage of the abuse has ignored the torture of women and children that took place at Abu Ghraib, the details of which are particularly horrible.

Probably the one area of the world where the U.S. government has most engaged in the use of torture is Latin America. Torture was integral to U.S. foreign policy in Latin America, as Richard Grossman's article, "Nicaragua: A Tortured Nation," illustrates. The infamous School of the Americas trained key Latin American military officers and troops, some of whom ushered in the brutal military dictatorships that presided over their countries from the 1960s to the 1990s.³ In addition, as Grossman points out, members of the

U.S. marine force that occupied Nicaragua in the early 20th century did not just teach the Nicaraguan *Guardia* how to torture, they also engaged in it themselves as part of their efforts to terrorize Nicaraguans and defeat Augusto Cesar Sandino and his anti-imperialist forces.

The U.S. government's sponsorship of torture was not limited to the training of Latin American militaries. As A. J. Langguth details in *Hidden Terrors*, the U.S. government also worked directly with police forces throughout the continent. His book discusses the work of Dan Mitrione, a police chief from Richmond, Indiana, who instructed the Uruguayan police force in methods of torture in the late 1960s.⁴ *State of Siege* by Costas-Gavras dramatically brings to the screen the story of Dan Mitrione, the anti-democratic methods of coercion and repression he taught the Uruguayan police force, and his subsequent kidnapping and execution by the Tupamaros, the Uruguayan guerrilla force. Uruguay was not an isolated example, as Martha Huggins shows in her exposé of the U.S. government training of police forces in Latin America, with a particular focus on Brazil.⁵

In order to inflict pain on people, the torturer needs to transform the tortured into the Other, in most cases the enemy Other. During the Cold War, the U.S. government convinced many people in this country and around the world that "communists," a blanket term applied to those who espoused socialism as well as to people who opposed U.S. imperialist control of their nations were the enemy. Today, the enemy Other is the terrorist, who is frequently conflated with the Muslim or Arab Other. To be an Other means to be a fanatic, to be impervious to "our" morality and values; in short, to be not only less than human, but far from human, a living machine who is definitely not one of *US* (the definition of who *US* is, is seldom clear). Since this person is not one of us, and is, in fact, intent on destroying *US*, then *WE* can use whatever means are available to counter this evil force. It is within this context that torture is not only allowed, it is approved.

Some believe that those who torture do so simply to extract information from the captured enemy. This is not entirely true, as the examples of Abu Ghraib, the tiger cages in Vietnam, and the treatment of slaves and prisoners in this country show so clearly. Torture is used to degrade, humiliate, and destroy both the individual who is

being abused and members of his or her community who care about and feel connected to the victim of torture. It is a weapon used by those in power to maintain themselves in power.

The explicit use of sexual abuse in Abu Ghraib has horrified many people, perhaps more than any of the other methods of torture employed. Homophobia and the revulsion with which many Americans and Iraqis view same-sex relationships clearly shaped the sexual tortures the U.S. military officials inflicted on their prisoners. U.S. Guards forced male Iraqi prisoners to masturbate, wear female underclothes, and perform fellatio on each other.⁶ That particular method of torture was used to damage, perhaps obliterate, the tortured individual's sense of self, his or her very identity. Such practices undermine an individual's will to resist and weaken a community's ability to survive. And that was exactly the point.

The torture of Iraqis, like the abuse of the prisoners in Guantánamo and Vietnam, or the slaves in the U.S. south was a logical, if immoral, extension of U.S. state policy. The U.S. government invaded Iraq, as it had invaded Vietnam and Afghanistan, and as slaveholders had enslaved Africans. Those who were and are the victims of occupation--either of their nations or their bodies--resisted, just as the Iraqis continue to resist. In order to crush opposition, U.S. government policymakers and citizens alike employed torture in an effort to destroy the spirit of resistance and make the people's defeat seem inevitable.

We know there are many people in this country who are appalled and disgusted by the use of torture. The courageous actions of Joseph Darby helped bring to light the abuse of prisoners at Abu Ghraib, just as three decades before the efforts of Don Luce and Tom Harkin helped to expose the criminal treatment of Vietnamese prisoners at Con Son. We hope that all of you who read this pamphlet will condemn any and all forms of torture and raise your voice to oppose its use, any time and anywhere.

NOTES

1. There are many other examples of U.S. government torture whose story needs to be told. If you know of other examples and/or would like to write about them, please contact me, Margaret Power, at marmacpower05@yahoo.com.

2. Her article was originally printed in *Truthout/Perspective*, September 20, 2004.
3. William Blum, *The CIA, A Forgotten History*, London: Zed Books, 1986.
4. A. J. Langguth, *Hidden Terrors*, New York: Pantheon Books, 1978.
5. Martha K. Huggins, *Political Policing: The United States and Latin America*, Durham: Duke University Press.
6. *New York Times*, October 7, 2004.

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The American Prison and the Normalization of Torture

By H. Bruce Franklin

The prison has become a central institution in American society, integral to our politics, economy, and culture. Between 1976 and 2000, the United States built on average a new prison each week and the number of imprisoned Americans increased tenfold. With a current prison and jail population of over two million, America has become the uncontested world leader in incarceration. Prison has made the threat of torture part of everyday life for millions of individuals in the United States, especially the 6.9 million currently incarcerated or otherwise under the control of the penal system. More insidiously, our prison system has helped make torture a normal, legitimate, even routine part of American culture.

Imprisonment itself, even when relatively benign, is arguably a form of torture. This is implicit in our society using prison as the most dire legal form of both “punishment” and “deterrence,” except for execution. Moreover, in the typical American prison, designed and run to maximize degradation, brutalization, and punishment, overt torture is the norm. Beatings, electric shock, prolonged exposure to heat and even immersion in scalding water, sodomy with riot batons, nightsticks, flashlights, and broom handles, shackled prisoners forced to lie in their own excrement for hours or even days, months of solitary confinement, rape and murder by guards or prisoners in-

structed by guards—all are everyday occurrences in the American prison system.¹

The use of sex and sexual humiliation as torture in Abu Ghraib and the other American prisons in Iraq is endemic to the American prison. Psychological and physical sexual torture is exacerbated by the underlying policy of denying prisoners any volitional sex, making the only two forms of sexual activity that are physically possible—homosexuality and masturbation—both offenses subject to punishment. Strip searches, including invasive and often intentionally painful examination of the mouth, anus, testicles, and vagina, frequently accompanied by verbal or physical sexual

abuse, are part of the daily routine in most prisons. A 1999 Amnesty International report documented the commonplace rape of prisoners by guards in women's prisons.²

Each year, numerous prisoners are maimed, crippled, and even killed by guards. Photographs could be taken on any day in the American prison system that would match the photographs from Abu Ghraib that shocked the public. Indeed, actual pictures from prisons in America have shown worse atrocities than those pictures from the American prisons in Iraq. For example, no photos of American abuse of Iraqi prisoners have yet equaled the pictures of dozens of prisoners savagely and mercilessly tortured by guards and state troopers in the aftermath of the 1971 Attica rebellion.³ Even more appalling images are available in the documentary film *Maximum Security University* about California's state Corcoran Prison. For years at Corcoran, guards set up fights among prisoners, bet on the outcome, and then often shot the men for fighting, seriously wounding at least 43 and killing eight just in the period 1989-1994. The film features official footage of five separate incidents in which guards, with no legal justification, shoot down and kill unarmed prisoners.⁴

But if the tortures practiced in American prisons are so commonplace, then why, one might reasonably ask, did those pictures from Abu Ghraib evoke such an outcry? The answer to this critical question lies in the history of the American prison and how the prison functions in contemporary culture.

Prior to the American Revolution, imprisonment was seldom used as punishment for crime in England and was rarer still in its American colonies. The main punishments under England's notorious "Bloody Code" were executions and various forms of physical torture—whipping, the stocks, the pillory, branding, mutilation, castration, etc.—all designed as spectacles to be witnessed by the public. The prison system, in contrast, institutionalizes isolation and secrecy. The prison's walls are designed not only to keep the prisoners in but to keep the public out, thus preventing observation or knowledge of what is going on inside. Unknowable to all but prisoners and guards, the prison thus becomes a physical site where the most unspeakable torture can continue without any restraint. And as an unknowable place, the prison

can thus also become a prime site for cultural fantasy.

The modern prison was devised by American reformers who believed that people should not be tortured and that criminals could be "reformed" by incarceration, labor, and "penitence." But with the rise of industrial capitalism, unpaid prison labor became a source of superprofits, a trend accelerated by the Civil War, and the "penitentiary" became the site of industrial slavery conducted under the whip and other savagery.

Prior to the Civil War, the main form of imprisonment—African-American slavery—was, like the penitentiary, not to be regarded as torture. Slavery, indeed, was never legitimized by any claim that the slaves were being punished for crimes or anything else. A main cultural line of defense of slavery even maintained that the slaves were happy. This changed in 1865 when Article 13, the Amendment that abolished the old form of slavery, actually wrote slavery *into* the Constitution—for people legally defined as criminals: "Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States"

At this point, tortures routinely inflicted on slaves, especially whipping, became a standard feature of the main site of penal incarceration: the prison plantation. The antebellum plantation was merging with the "penitentiary" to create the modern American prison system. Ironically, the sexual deprivation of the prison was an additional torture not characteristic of the old plantation, where slave breeding was a major source of profit, while the old pathological fear of Black sexuality became a prime source of the sexual tortures endemic to the modern American prison, where people of color are not a "minority" but the majority.

The true nature and functions of the American prison started to become known through the tremendous surge of prison literature in the late 1960s and early 1970s. The river of prison literature poured into public culture in books, songs, journals, and movies, dramatically influencing the political movement of that period. In response came a massive suppression. Most states enacted laws making it illegal for convict authors to receive money from their writing. Creative writing courses in prison were defunded. Almost every

literary journal devoted to publishing poetry and stories by prisoners was wiped out. Federal regulations were drafted explicitly to ensure that prisoners with “anti-establishment” views would “not have access to the media.”⁵ Prisoners were largely isolated and silenced.

The silencing of prisoners was a precondition for the astonishing next stage of the American prison. Launched simultaneously was the unprecedented and frenzied building of more and more prisons, soon filled and overfilled with the help of harsh mandatory sentences, “three-strikes-and-you’re-out” laws, and the so-called “War on Drugs” (a metaphor for an onslaught against the poor about as accurate as “War on Terror” is as a metaphor for the invasion of Afghanistan and Iraq).

How is it possible that the American public, so revolted by glimpses of Abu Ghraib, seems to accept, even enthusiastically sponsor, the hundreds of Abu Ghraibs that constitute the American prison-industrial complex? Intimately and intricately related to the boom in prison construction has been a boom in imagined images of prison, with the prison’s walls of secrecy validating a complex set of supportive cultural fantasies that ultimately function as agents of collective denial.⁶ Even superficially realistic representations, such as the Oz TV serial, end up masking or normalizing America’s vast complex of institutionalized torture. Perhaps the dominant image, promulgated by the very forces that have instituted the prison-building frenzy, envisions prison as a kind of summer camp for vicious criminals, where convicts comfortably loll around watching TV and lifting weights. Just as false images of the slave plantations strewn across the South encouraged denial of their reality, false images of the Abu Ghraibs strewn across America not only legitimize denial of their reality but also allow their replication at Guantánamo, Baghdad, Afghan desert sites, or wherever our government, and culture, may build new citadels of torture in the future.

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1. For a detailed summary of some of the horrors of American prisons, an analysis of specific connections with Abu Ghraib and Guantánamo, and examples of especially vicious American correctional officials who were assigned to Iraq, see Anne-Marie Cusac, “Abu Ghraib, USA,” *Prison Legal News*, Vol. 15, #7 (July 2004), 1-4. This monthly journal is an excellent source of information about the routine abuses of the American prison and the myriad legal cases contesting these abuses. The national “Prison Discipline Study,” included in *Criminal Injustice*, ed. Elihu Rosenblatt (Boston: South End Press, 1966), reported that 42.5% of prisoners in maximum security facilities were beaten at least once a month.

2. Cusac, p. 3.

3. See, for example, the 64 pages of photographs included in *Attica: The Official Report of the New York State Commission on Attica* (New York: Praeger Publishers, 1972).

4. *Maximum Security University* (1997) is available from California Prison Focus, 2940 16th Street, San Francisco, CA 94103 or e-mail info@prisons.org.

5. Dannie M. Martin and Peter Y. Sussman, *Committing Journalism* (New York: W.W. Norton, 1993), 127, 212.

6. For a marvelous exploration of the various genres and forms of cultural images of prison, see Heather Schuster, *Framing the (W)hole: Representing the Prison in the Era of U.S. Mass Imprisonment, 1972-Present*, Unpublished dissertation, New York University, 2001.

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Nicaragua: A Tortured Nation¹

By Richard Grossman

In the twentieth century, the Central American country of Nicaragua saw civil wars, foreign interventions, dictatorship, and revolution. Tens of thousands died violent deaths and many faced various forms of extreme political violence, or torture. United States interventions played a crucial role in the ongoing violence and U.S. policies greatly contributed to the use of torture. This article will briefly trace this tortured history of Nicaraguan.

By the beginning of the 20th century, the United States became concerned about Nicaragua since it was a prime sight for an inter-oceanic canal and U.S. Marines intervened and occupied Nicaragua in 1909, 1912, and again in 1926. In order to stabilize the country and facilitate U.S. control, the U.S. Marines created the Guardia Nacional de Nicaragua. The U.S. Marines conceived, created and commanded the Guardia; however the soldiers were to be Nicaraguans. The Guardia became the key instrument of U.S. influence for the next fifty years.

In 1927 a handful of Nicaraguan patriots decided to resist U.S. occupation. Their leader was Augusto C. Sandino, who organized the Ejército Defensor de la Soberanía Nacional de Nicaragua (EDSNN-Army in Defense of the National Sovereignty of Nicaragua). Sandino led a guerrilla war against both the Marines and the Guardia that lasted until 1933.

The United States Marines and the Guardia launched a counter insurgency war against the forces of Sandino. While he unquestionably organized a nationalist resistance force, U.S. policy makers defined Sandino and his soldiers as bandits. This decision helped define the military tactics that were to be used. Since the U.S. was not fighting a legitimate military foe, the rules of war (such as they were) did not apply. The Marines and Guardia made little distinctions between the Sandinistas and the civilian population: not only combatants but civilians were targets and subjected to the regular use of excessive force and torture.

Not only did the U.S. create the Guardia, Marines trained all the Guardia soldiers and com-

manded most of the patrols. When the war started in 1927, the Marines and Guardia launched a wave of death and destruction against the Nicaraguan population. For example, one Guardia patrol reported seeing people around a “suspicious” house. They opened fire, with no return fire, and the report then noted, “a woman apparently sixty or seventy years of age was found dead.” The Marine commander stated that the shooting was “quite justified.” In another example, an unarmed peasant was questioned by another Guardia patrol. This patrol’s Marine officer reported that he “refused to divulge name of jefe nor could we get more information from him. He was left where he fell, seriously wounded, jaw broken, right arm broken also shot through back.” The report does not say why he was shot or how his jaw and arm were broken, but the implication is that these wounds were the results of torture by the Guardia.

Beatings by the Guardia and Marines were the most common form of torture. These included the use of fists and feet since a number of prisoners were also kicked or stomped. A form of water torture, which consisted of forcing water down a prisoner’s throat until the prisoner choked, also occasionally occurred. Peasant women were raped. Psychological torture was also used since Nicaraguans were routinely threatened with beatings and executions, including decapitation. These were more than idle threats. Ironically (given the horrified outcries at the beheading of U.S. citizens in Iraq today), photos of Marines and Guardia soldiers displaying the severed heads of Sandinistas they had killed were published in Nicaragua and throughout Latin America.

Although the war ended in 1933 when the last

of the Marines were withdrawn, the torture and abuse of Nicaraguan human rights continued. The Marines left Nicaragua and turned command of the Guardia over to Anastasio Somoza García. Using the Guardia, Somoza García seized control of the government in 1936 and created a regime that would dominate Nicaragua for the next 45 years. Throughout its existence, the Guardia Nacional remained an army of occupation, at war against the Nicaraguan people. It refined and expanded the repressive tactics learned in the war against Sandino. Over the years, the Guardia killed thousands and tortured and imprisoned many more without trial. In 1981, after the regime was overthrown, the Geneva-based International Commission of Jurists issued a report on "Human Rights in Nicaragua" that summarized their human rights record. The report noted that, "The scale of the assassinations and torture of opponents . . . was such that they cannot be regarded merely as the results of overzealous or abusive acts by the National Guard. Rather, they were part of a system of government . . ."²

The U.S. government was clearly aware of the repressive nature of the Somoza regime since, in fact, it had helped to create it. For example, the U.S. Ambassador noted in 1937 that there was no opposition to Somoza due to "the efficacy of the Guardia Nacional as a threat of repression" and that any opponent was likely to be "arrested and beaten up."³ Despite the lack of democracy and ongoing repression, the U.S. government continued to support the Somoza regime and provided it with training, equipment, and ideology.

As the Cold War was beginning, the U.S. saw the need to integrate the militaries of Latin America more firmly under U.S. hegemony. The U.S. opened the U.S. Army School of the Americas (SOA) as a special training facility for Latin American soldiers. From 1947 until 2000 over 60,000 Latin American soldiers were trained at the facility. The SOA was just one of many facilities and programs created by the United States to transform the Latin American militaries into secure allies. The School of the Americas was formally closed in January 2001 and replaced with a "new" school with the same purpose, the Western Hemisphere Institute for Security Cooperation.

By 1979, when Nicaragua stopped sending students, 4318 Nicaraguans had attended the SOA, more than from any other country at that time.

The importance of SOA training cannot be overestimated. In 1976 Father Fernando Cardenal, in testimony before the U. S. House of Representatives, accused 26 specific Guardia officers of human rights violations including tortures such as electric shocks, beatings, and rape. All of them had received training from the U.S., 25 at the School of the Americas. While the SOA was the best-known facility, the United States had many other training programs available to Nicaraguan soldiers. Many were trained at U.S.-based facilities including the Army Infantry and Ranger School, the Command and General Staff College, and the International Police Academy. Of the 26 officers accused of human rights violations by Father Cardenal, 12 had attended programs in the United States. The United States also had military advisors based in Nicaragua who trained over 4000 Guardia members.

Almost every officer and soldier of the Guardia received some direct training from U.S. sources. This training was not to prepare the Guardia to defend Nicaragua from foreign attacks. Instead the Guardia was taught to defend Nicaragua from internal threats. The training also provided the Guardia with a more formal ideology: anticommunism. This became the doctrine to rationalize any and every act since all challenges to the Somoza regime were seen as subversive. These "subversives" were to be eliminated by any means necessary, consequently encouraging the use of torture.

The School of Americas offered a wide range of courses which went from radio repair and auto mechanics, to counter-insurgency, jungle warfare, urban warfare, and military intelligence interrogation. Most of the courses, whatever their focus, had some class time devoted to discussing the threat of communism. For example, according to the 1969 catalog, the course for "basic medical technician" had a section on "Intelligence and Security" which included "Nature of the Communist world threat; countering the insurgency threat." Three Nicaraguans attended that specific course. Thus whatever technical skills being taught, the SOA also increased the repressive capabilities and tendencies of all of its students.

The Frente Sandinista de Liberación Nacional (FSLN) began a guerrilla war that would culminate in 1979 with a widespread urban insurrection. As opposition increased, so did the repression.

Execution, torture, and arbitrary arrests became commonplace, almost routine, in Nicaragua. The Inter-American Commission on Human Rights of the Organization of American States (OAS) stated that the Nicaraguan Government was “responsible for serious attempts against the right to life”, that “many persons were executed in a summary and collective fashion,” and that “physical and psychological torture” occurred.⁴

Numerous human rights reports stated that tortures took place at this time. For example, in 1977 Amnesty International reported that 7 out of 10 prisoners captured by the Somoza regime had been tortured. The report also disclosed that in the countryside many peasants had been tortured and raped by Guardia patrols. It gave detailed testimony from individuals describing their torture which included beatings, electric shocks, and mutilation.⁵ The International Commission of Jurists’ report also stated that:

Torture was regularly used in the interrogation of political prisoners. Common practices included blows, hanging from the wrists, electric shocks, immersion of the head in water, hooding or blindfolding, exhausting physical exercises, keeping naked detainees in air-conditioned rooms at very low temperatures, and food and drink deprivation. . . . The nails and eyes of some victims were pulled out while others had their tongues cut off.

Thus evidence of torture was well documented and available to anyone who looked. U.S. officials were aware of these charges but generally denied that torture was rampant. In response to Father Cardenal’s 1976 testimony before the U.S. Congress, which had discussed the torture and repression taking place in Nicaragua, the State Department declared that, “We do not have any reason to believe that torture has been resorted to in any widespread or concerted fashion.”⁵ They also rejected Father Cardenal’s statements that U.S. aid had facilitated this repression. U.S. military aid to the Somoza regime increased in the following years.

The insurrection triumphed, in July 1979, when Anastasio Somoza Debayle fled Nicaragua. The victory had been costly: at least 40,000–50,000 people had been killed, out of a population of less than 3 million. Many were tortured and mutilated before their deaths.

This fifty-year history also reveals how the U.S. routinely condoned and supported the use of torture. The Guardia Nacional was a creation of the United States, and even after the U.S. Marines were withdrawn, the abuse of human rights that they initiated continued unabated. Constant U.S. aid made it possible for the Somoza regime and the Guardia to function. U.S. training gave the skills and rationales that facilitated torture. Thus the United States government approved the ongoing repression and torture of the Nicaraguan people. Even when the administration of Jimmy Carter finally raised the question of human rights violations, direct aid was not ended until the very end. By 1979, at the moment when Somoza’s defeat was becoming obvious, the United States still tried to perpetuate the Guardia Nacional as the best institution to preserve order.

The relationships between the United States and the new Nicaraguan government led by the FSLN quickly soured. An armed counterrevolutionary movement (generally known as the *contras*) began to organize by 1980. Most of the initial *contras* leaders were former high officers of the Guardia. Of the eight individuals identified by the Central Intelligence Agency as the military leaders of the first *contra* organization, the 15th of September Legion, seven were graduates of the School of the Americas. These seven attended a total of 34 classes and two were honor students. By 1981, under President Ronald Reagan, U.S. aid began to flow to this reconstructed Guardia and the war for Nicaragua was renewed. The CIA turned the disbanded and discouraged former Guardia members into a new counterrevolutionary army. As money, arms, and advisors flooded into the *contras*, the legacy of terror, torture, and murder that had started in 1927 would continue until 1990.

NOTES

1. This article is based on my chapter “The Blood of the People: The Guardia Nacional de Nicaragua Fifty Year War Against the People of Nicaragua, 1927-1979” in Cecilia Menjár and Néstor Rodríguez, eds., *When States Kill: Latin America, the U.S., and Technologies of Terror*, University of Texas Press, Forthcoming. All quotes and statistics are from this chapter unless otherwise noted.
2. Heleno Claudio Frago and Alejandro Artucio,

Human Rights in Nicaragua: Yesterday and Today (Geneva: International Commission of Jurists, 1981), 23.

3. National Archives and Records Administration (NARA). Washington, D.C.: U.S. Department of State. Microfilm # 817.00/8657.

4. Inter-American Commission on Human Right (ICHR). *Report on the Situation of Human Rights in the Republic of Nicaragua : Findings of the "On-site" Observation in the Republic of Nicaragua, October 3-12, 1978* (Washington: Organization of American States, 1978), 77, 78, 55.

5. Amnesty International. *The Republic of Nicaragua* (London: Amnesty International Publications, 1977),

32.

6. U.S. Congress. *Human Rights in Nicaragua, Guatemala, and El Salvador: Implications for U.S. Policy*. Hearings before the Subcommittee on International Organizations of the Committee on International Relations, House of Representatives, Ninety-fourth Congress, second session, June 8 and 9. Washington: U.S. Government Printing Office, 1976, 205.

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The Tiger Cages of Viet Nam

By Don Luce

My best friend was tortured to death in 1970. Nguyen Ngoc Phuong was a gentle person. But he hated the war and the destruction of his country. He was arrested by the U.S.- sponsored Saigon police in one of his many anti-government demonstrations. After three days of continuous interrogation and torture, he died. "He was tortured by the (Saigon) police but Americans stood by and offered suggestions," said one of the men who was in prison with him.

Perhaps this is the biggest single difference between Viet Nam and Abu Ghraib. In Viet Nam, the U.S. primarily taught and paid the Saigon police and military to do their bidding. In Abu Ghraib and Iraq, the U.S. military is carrying out the torture themselves. There were, however, many Vietnamese who were tortured by Americans before being turned over to their Saigon allies and put into jail. Reports of suspected Viet Cong being thrown out of helicopters, peasant farm people tied to stakes in the hot sun, and young men led off to execution by U.S. soldiers are well-documented by U.S. soldiers and journalists.

The U.S. paid the salaries of the torturers, taught them new methods, and turned suspects over to the police. The U.S. authorities were all aware of the torture.

The Tiger Cages

In 1970, President Nixon sent a delegation of ten Congressmen to Viet Nam to investigate pacification. A part of their mandate included a visit to a prison in South Viet Nam as a way to be allowed to visit a prison where U.S. POWs were held in the North.

Tom Harkin, then an aide to the congressional group, convinced two of the Congressmen to investigate stories of torture in the Tiger Cages off the coast of Viet Nam (the French built them in 1939 to hold political opponents; similar ones in French Guinea became famous in the movie *Papillon*, starring Steve McQueen and Dustin Hoffman). The congressman requisitioned a plane for the 200-mile trip to Con Son Island. I was asked to go as an interpreter and specialist in Vietnamese prisons. At that time I was working for the World

Council of Churches.

On the way out Frank Walton, the U.S. prison advisor, described Con Son as being like “a Boy Scout Recreational Camp.” It was, he said, “the largest prison in the Free World.”

We saw a very different scene when we got to the prison. Using maps drawn by a former Tiger Cage prisoner, we diverted from the planned tour and hurried down an alleyway between two prison buildings. We found the tiny door that led to the cages between the prison walls. A guard inside heard the commotion outside and opened the door. We walked in.

The faces of the prisoners in the cages below are still etched indelibly in my mind: the man with three fingers cut off; the man (soon to die) from Quang Tri province whose skull was split open; and the Buddhist monk from Hue who spoke intensely about the repression of the Buddhists. I remember clearly the terrible stench from diarrhea and the open sores where shackles cut into the prisoners’ ankles. “Donnez-moi de l’eau” (Give me water), they begged. They sent us scurrying between cells to check on other prisoners’ health and continued to ask for water.

The photos that Harkin, today a U.S. Senator from Iowa, took were printed in *Life Magazine* (July 17, 1970). The international protest which resulted brought about the transfer of the 180 men and 300 women from the Cages. Some were sent to other prisons. Some were sent to mental institutions.

Grace Paley described the prison life of one of the 300 women who were incarcerated in the Tiger Cages in her 1998 book, *Just As I Thought*:

In prison, Thieu Thi Tao was beaten on the head with truncheons. Her head was locked between two steel bars. Water was forced down her throat. She was suspended above the ground. Then, on November 20, 1968, she was transferred to national police headquarters. The Vietnamese Catholic priest, Father Chan Tin, in a plea for international concern about her case, wrote that she was “further beaten and subjected to electric shock.” “She’s become insane,” Father Tin wrote, “unable to sleep for fifteen days, believing herself to be a pampered dog that could only eat bread and milk. Not being given these, she refused to eat and became so weak she

couldn’t talk. When the wind blew she wanted to fly.

Late in 1969 Tao was transferred to the Tiger Cages of Con Son. She was there for a year and transferred to the Bien Hoa Insane Asylum. For several days, she was hung from an iron hook. Her spine was damaged by this torture and she still wears a neck brace.

“You saved our lives,” Tao later wrote. “I still remember the strange foreign voices when you came. In the cages, we wondered what new indignities were to be visited upon us. But a foreigner [myself] who spoke Vietnamese with a heavy accent told us it was a U.S. congressional investigation. We had prayed for such an inquiry and took the chance to speak of the tortures. We begged for water and food. We were dying you know.”

Tao was a 16-year high school student then. She was put in cages because she would not salute the flag. She was obstinate, the prison director said at the time. The oldest prisoner in the Cages was Ba Sau. She was blinded by the caustic lime that was thrown onto prisoners as a disciplinary measure. “I was a Communist,” she says. “But the others were only student protestors, Buddhists and writers.”

Today, behind the five foot by nine-foot cages is a cemetery for the 20,000 people who died in Con Son prison. Most graves are unmarked. The prisoners at Con Son didn’t even have numbers. When the survivors return, they bring flowers, pray and softly sing the songs that were whispered in the cages some 35 years ago.

Soon after the expose in *Life*, Congressman Philip Crane (R, Illinois) visited Con Son and declared “the Tiger Cages are cleaner than the average Vietnamese home.” He could not understand afterward why even the most pro-American of Vietnamese newspapers condemned him strongly and even hinted that his remarks were racist.

Similar to contemporary events in Iraq and the so-called War on Terror, in 1971 the Department of Navy gave a contract to the company Raymond, Morrison, Knutson-Brown Root and Jones to build new cages even smaller than the original ones. The money for the new cages came from the U.S. Food for Peace program. Ironically, part of the construction consortium, Brown and Root, is today the Halliburton subsidiary that built the “isolation cells” in Guantánamo, Cuba for imprisonment of

Afghan and Iraqi suspects. (For a copy of the contract, see *Hostages of War* by Holmes Brown and Don Luce.)

U.S. Policy in Viet Nam and Iraq

Torture was certainly an integral part of U.S. policy in the Viet Nam war. We paid for it through our “Public Safety” program. Our advisors taught “better methods” and were often present helping with “suggestions” during the torture. But as a general policy, our soldiers turned their prisoners over to the Vietnamese police for torture. Just as with U.S. policy-makers on Iraq, the U.S. developed rationale to claim that the prisoners we took were not covered by the Geneva Convention (the U.S. authorities claimed they were all “criminal prisoners”).

Where Are They Now?

For 35 years I have followed the lives of the Tiger Cage inmates who are still alive. Many are doing very well. Loi runs an embroidery business. Tao is an agricultural engineer and runs a large shrimp farm. Lap is a high official in the Tourist Bureau. Tan runs an interior design business and Thieu is a prominent lawyer. They are all remind-

ers that the people imprisoned for political reasons during a war are most often the leaders of a country after the war. The people who were in the Tiger Cages also have a special attachment to the Americans who worked so hard for their freedom.

Final Note

“I read the books about the survivors of Auschwitz and Dachau,” one of the former Tiger Cage inmates told me. “They are like us. Each has a special memory of someone who was there for them at a crucial moment. Someone who gave them a crust of bread or a few drops of water. Moments of kindness are seared in our minds. There is no way we can forget Mr. Harkin and his group.”

Don Luce worked in Vietnam with International Voluntary Services and the World Council of Churches from 1958 to 1971. In 1970 he disclosed the Tiger Cages on Con Son Island to a congressional group. He presently works in Niagara Falls with the mentally ill, a soup kitchen, and a home for persons living with Aids. He can be contacted at 716-285-3403 x 2226.

Guantanamo Prison

By Jane Franklin

In August 2004, a special panel set up by Defense Secretary Donald Rumsfeld to investigate American abuse of prisoners in Afghanistan and Iraq reported that “Interrogation techniques intended only for Guantánamo came to be used in Afghanistan and Iraq.”¹ By this time, the revelations of torture at Abu Ghraib had helped to force the first U.S. concession of any rights at all for the hundreds of “unlawful combatants” confined in zoo-like cages at the U.S. naval base on Cuba’s strategic Guantánamo Bay. The profound historical connections between Guantánamo and Abu Ghraib are filled with revealing ironies.

Ever since New Year’s Day of 1959 when the Cuban Revolution took power, Washington has promoted “freedom and democracy” for Cuba.

Yet, in the one section of Cuba occupied by U.S. military forces, Washington has instead created a prison that has become notorious around the

world.

In 1902, when Cuba was still under military occupation by U.S. troops who had invaded ostensibly to bring freedom, the nation was forced to incorporate Washington's Platt Amendment into its constitution. The Platt Amendment gave the United States the right to lease a 45-square-mile area at Guantánamo Bay. The lease specifies that the area is "for use as coaling or naval stations only, and for no other purpose."²

Use of the base as a prison began in November 1991. After the first overthrow of the elected government of President Jean Bertrand Aristide, this time under the first Bush Administration, Washington announced it would build a "tent shelter" at Guantánamo for thousands of Haitians fleeing the military dictatorship.³ The "shelter" was surrounded by barbed wire and guarded by U.S. troops.

When forced repatriation began in February 1992, the argument used by the George H. W. Bush administration presaged the 2004 argument before the Supreme Court by the George W. Bush administration: the detainees were not entitled to any U.S. rights because they were being held on territory under the sovereignty of Cuba.⁴

In June 1993, when only HIV refugees along with their relatives remained, a federal judge ordered the camp closed, calling it "nothing more than an HIV prison camp," where, "surrounded by razor barbed wire" and "subjected to pre-dawn military sweeps," people lived under continual threat of abuse by "400 soldiers in full riot gear."⁵ However, thousands of Haitians were again detained at Guantánamo in 1994, leading to uprisings.⁶

At the same time, Washington built a huge tent city surrounded by barbed wire to detain Cubans who were attempting to reach the United States. Miserable conditions led some Cuban detainees to attempt suicide. Their numerous uprisings were met by U.S. troops in riot gear with fixed bayonets. Some Cubans managed to escape back to unoccupied Cuba by scaling the barbed wire, climbing down a 40-foot cliff and swimming about a mile to Cuban territory. Children suffered from bronchial viruses, pneumonia, diarrhea, and fear.⁷ On January 18, 1995, the Eleventh Circuit Court of Appeals in Atlanta ruled that detainees at Guantánamo could be forcibly repatriated because

constitutional rights "bind the government only when the refugees are at or within the borders of the United States."⁷

The way was paved for creation of Camp X-Ray, a prison for captives in President George W. Bush's "War on Terror." The first captives arrived from Kandahar, 8,000 miles away, on January 11, 2002, to be incarcerated in wire cages. The Defense Department labeled them "unlawful combatants," not "prisoners of war," in order to disregard rights guaranteed to POWs by the Geneva Conventions. On January 16, UN High Commissioner for Human Rights Mary Robinson stated that the captives are prisoners of war entitled to rights protected by the Geneva Conventions.⁹

On January 20, 2002, British Foreign Secretary Jack Straw asked Washington to explain the photograph that went around the world showing captives kneeling on the ground in leg shackles and handcuffs with eyes, ears, and mouths covered and wearing mittens in the tropical heat. *The Mail* captioned one photo "Tortured."¹⁰ Among more than 600 prisoners from 43 countries, 27 tried to kill themselves by June 2003.¹¹ The International Committee of the Red Cross and other organizations argued for POW status.¹²

More than two years later, when the Defense Department delivered five British citizens from Guantánamo to British custody, British prosecutors released all of them without charges the following day.¹³ The men described being repeatedly beaten and subjected to solitary confinement in the sensory deprivation isolation wing. Guards staged races of detainees in short leg shackles, violently punishing them if they fell. Under pressure one of the three confessed to being the man in a videotape with Osama Bin Laden, but British intelligence later proved he was in England at the time. A Swede released in July 2004 said, "They put me in the interrogation room and used it as a refrigerator" where he sat in chains for 12 to 14 hours, partially losing the feeling in one foot. Deprived of sleep, he was assailed with flashes of light in a dark room, loud music and noise.¹⁴

The CIA's "Human Resource Exploitation Training Manual—1983" justifies "coercive techniques" when subjects resist noncoercive techniques. It points out that pain inflicted "from outside himself" may be less effective than "pain

which he feels he is inflicting upon himself.” If “required to maintain rigid positions” for a long period, the source of pain becomes not the interrogator but the prisoner himself. “After a period of time the subject is likely to exhaust his internal motivational strength.”¹⁵

In December 2002 Army Maj. Gen. Geoffrey Miller, overseer of captives at Guantánamo, requested that Defense Secretary Donald Rumsfeld approve a number of “nondoctrinal” interrogation tactics, some of which he had already used on “unlawful combatants” at Guantánamo. These included hooding, physical contact like poking or grabbing, and 20-hour interrogations. Rumsfeld approved a list of 17, withdrew the list in January and approved a revised list of 24 in April 2003 for use only at Guantánamo.¹⁶ Then, in August 2003, Gen. Miller led “intelligence specialists” to Iraq where some officers who met with him believe tortures at Abu Ghraib were “partly rooted” in Miller’s “determination to apply his Guantánamo experience in Iraq.”¹⁷ In October, at the urging of Gen. Miller, the Defense Department sent intelligence teams from Guantánamo to train teams at Abu Ghraib for 90 days, the period when the worst prison abuses occurred.¹⁸

More than two years after Washington established Guantánamo as a site where the United States could hold prisoners of the “War on Terror” indefinitely without allowing them any rights, the public was shocked to discover what such captivity could mean. On April 28, 2004, CBS television aired the first of those graphic photographs of U.S. guards torturing prisoners at Abu Ghraib. This set off a string of further exposures, including CIA secret detentions at prisons known and unknown around the globe. Which in turn led to that August 2004 report to Rumsfeld by his own committee that “Interrogation techniques intended only for Guantánamo came to be used in Afghanistan and Iraq.”

What does the future hold for Cuban land occupied by Washington? One official speculated that a new prison being built at Guantánamo could hold the CIA’s secret detainees, the disappeared, indefinitely.¹⁹

NOTES

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4. Barbara Crossette, “U.S. Starts Return of Haiti Refugees After Justices Act,” *New York Times*, February 2, 1992; Barbara Crossette, “Lawyers Say U.S. Has Lost Haitian Refugee Files,” *New York Times*, April 8, 1992. See “In the Supreme Court of the United States,” Shafiq Rasul, et al., Petitioners, v. George W. Bush, President of the United States, et al., No. 03-334, April 20, 2004. On June 28, 2004, the Supreme Court ruled that the captives are imprisoned in territory over which the United States does exercise exclusive jurisdiction and control and they have the right to be heard before a judge or other neutral decision-maker. At the base, beginning on August 24, 2004, the Defense Department held its first military tribunal hearing since the end of World War II; the procedure ended with four human-rights monitors asking that the Bush administration “scrap the whole experiment” (*Wall Street Journal*, August 30, 2004).

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Torture of Prisoners in U.S. Custody

By *Marjorie Cohn*

Major General Geoffrey Miller, the American commander in charge of detentions and interrogations at Abu Ghraib prison in Iraq, recently conducted an overnight tour of the facility for journalists.

He proudly displayed "Camp Liberty" and "Camp Redemption," newly renovated in response to the torture scandal unleashed by the release of the disgusting photographs last spring.

Under the new system in place at Abu Ghraib, an interrogation plan is submitted to a lawyer for approval before any interrogation begins. The time required to process prisoners has been reduced from 120 to 50 days. Since July, 60% of

the reviews have lead to releases.

Three hundred Iraqi prisoners were released on one day in September. Each walked away with \$25 and a 12-page glossy pamphlet on Iraq's interim government.

General Miller, the tour guide, oversaw interrogations at the United States prison at Guantánamo Bay, Cuba. He had been sent to Abu Ghraib last fall to transfer his interrogation system

from Cuba to Iraq. It was on his watch that the worst mistreatment, depicted in the publicized photos, occurred.

Several official reports were written with more disturbing revelations. The International Committee of the Red Cross documented 70 – 90 % of those held at Abu Ghraib were there by mistake.

The reaction of the Bush administration to the revelations of torture was to prosecute seven low ranking soldiers.

In spite of calls for investigation of Secretary of Defense Donald Rumsfeld and President George W. Bush for complicity in the mistreatment, the prison torture scandal has been on the back burner in the national discourse.

The September release of Seymour Hersh's book *Chain of Command: The Road from 9/11 to Abu Ghraib*, however, has put the issue back on the radar screen.

Rumsfeld testified before the Senate Armed Services Committee that his department was alerted to the abuse of prisoners at Abu Ghraib in January 2004. Rumsfeld told Bush in February about an "issue" involving mistreatment of prisoners in Iraq, according to a Senior White House aide.

These claims are disingenuous. The roots of Abu Ghraib, writes Hersh, lie in the creation of the "unacknowledged" special-access program (SAP) established by a top-secret order signed by Bush in late 2001 or early 2002. The presidential order authorized the Defense Department to set up a clandestine team of Special Forces operatives to defy international law and snatch, or assassinate, anyone considered a "high-value" Al Qaeda operative, anywhere in the world.

Rumsfeld expanded SAP into Iraq in August 2003. It was Rumsfeld who approved the use of physical coercion and sexual humiliation to extract information from prisoners. Rumsfeld and Bush set this system in motion long before January 2004. The mistreatment of prisoners at Abu Ghraib was part of the ongoing operation.

Hersh quotes a CIA analyst who was sent to the U.S. military prison at Guantánamo in late summer of 2002, to find out why so little useful intelligence had been gathered. After interviewing 30 prisoners, "he came back convinced that we were committing war crimes in Guantánamo."

By fall 2002, the analyst's report finally reached General John A. Gordon, the deputy na-

tional security adviser for combating terrorism, who reported directly to national security adviser Condoleezza Rice. Gordon was deeply distressed by the report and its implications for the treatment of captured American soldiers. He also thought "that if the actions at Guantánamo ever became public, it'd be damaging to the president."

Gordon passed the report to Rice, who called a high-level meeting in the White House situation room. Rumsfeld, who had been encouraging his soldiers to get tough with prisoners, was present at the meeting. Yet Rice asked Rumsfeld "what the issues were, and he said he hadn't looked into it." Rice urged him to look into it: "Let's get the story right," she declared.

A military consultant with close ties to Special Operations told Hersh that war crimes were committed in Iraq and no action was taken. "People were beaten to death," he said. "What do you call it when people are tortured and going to die and the soldiers know it, but do not treat their injuries?" the consultant asked rhetorically. "Execution," he replied to his own question.

We should have seen it coming. In Bush's January 2003 State of the Union Address, he said: "All told, more than 3,000 suspected terrorists have been arrested in many countries, and many others have met a different fate." He added, "Let's put it this way. They are no longer a problem for the United States and our friends and allies."

Bush was admitting he had sanctioned summary execution, in direct violation of international, and United States, law.

The Bush administration has also admittedly engaged in the illegal practice of *rendition*, where people are sent to other countries to be tortured. The C.I.A. acknowledged in testimony before Congress that prior to 2001, it had engaged in about seventy "extraordinary renditions."

In December 2001, for example, American operatives kidnapped two Egyptians and flew them to Cairo, where they were subjected to repeated torture by electrical shocks from electrodes attached to their private parts.

Rape, sodomy with foreign objects, the use of unmuzzled dogs to bite and severely injure prisoners, and beating prisoners to death have been documented at Abu Ghraib. Women beg their families to smuggle poison into the prisons so they could kill themselves because of the humiliation

they suffered.

Allegations of routine torture have emerged from Mosul and Basra as well. "Some were burnt with fire, others [had] bandaged broken arms," claimed Yasir Rubaii Saeed al-Qutaji. Haitham Saeed al-Mallah reported seeing "a young man of 14 years of age bleeding from his anus and lying on the floor." Al-Mallah heard the soldiers say that "the reason for this bleeding was inserting a metal object in his anus."

The army has charged one Sergeant with assault and other crimes, and is recommending that two dozen other American soldiers face criminal charges, including negligent homicide for mistreatment of prisoners in Afghanistan.

In September, three Americans running a private prison, but reportedly working with the CIA, were convicted of kidnapping and torture and sentenced to 8–10 years in prison by an Afghan court. Afghan police had reportedly found three men hanging from the ceiling, and five others were found beaten and tied in a dark small room.

The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, a treaty ratified by the U.S. and thus part of its binding domestic law, defines torture as follows: the infliction of severe pain or suffering for the purpose of obtaining a confession, discrimination, coercion or intimidation.

Torture, inhuman treatment, and willful killing are grave breaches of the Geneva Conventions, treaties ratified by the United States. Grave breaches of Geneva are considered war crimes under the U.S. War Crimes Act of 1996. American nationals who commit war crimes abroad can receive life in prison, or even the death penalty if the victim dies.

Under the doctrine of *command responsibility*, a commander can be held liable if he knew or should have known his inferiors were committing war crimes and he failed to prevent or stop them.

When John Walker Lindh was captured in Afghanistan in December 2001, his American interrogators stripped and gagged him, strapped him to a board, and displayed him to the press. He was writhing in pain from a bullet left in his body. A Navy admiral told the intelligence officer interrogating Lindh that "the secretary of defense's counsel has authorized him to 'take the gloves off' and ask whatever he wanted."

Although initially charged with crimes of ter-

rorism carrying life in prison, Attorney General John Ashcroft permitted Lindh to plead guilty to lesser crimes that garnered him 20 years. The condition: Lindh make a statement that he suffered "no deliberate mistreatment" while in custody. The cover-up was underway.

Lawyers from the Defense Department and Justice Department penned lengthy memos and created a definition of torture much narrower than the one in the Torture Convention. They advised Bush how his people could engage in torture and avoid prosecution under the U.S. Torture Statute.

More than 300 lawyers, retired judges, and law professors (including this writer), a former FBI director, an ex-Attorney General, and seven past presidents of the American Bar Association, signed a statement denouncing the memos, which, we wrote, "ignore and misinterpret the U.S. Constitution and laws, international treaties and rules of international law." The statement condemns the most senior lawyers in the Department of Justice, Department of Defense, White House, and Vice President Dick Cheney's office, who "have sought to justify actions that violate the most basic rights of all human beings."

Even the conservative American Bar Association (ABA) criticized what it called "a widespread pattern of abusive detention methods." Those abuses, according to the ABA, "feed terrorism by painting the United States as an arrogant nation above the law."

Relying on advice in these memos, Bush issued an unprecedented order that, as commander-in-chief, he has the authority to suspend the Geneva Conventions. In spite of Geneva's requirement that a competent tribunal decide whether someone qualifies for prisoner of war (POW) status, Bush took it upon himself to decide that Al Qaeda and Taliban prisoners in Afghanistan were not protected by the Geneva Convention on the POWs.

This decision was premised on the reasoning of White House Counsel Alberto Gonzalez [Bush's current nominee for Attorney General, ed.], that "the war against terrorism is a new kind of war, a new paradigm [that] renders obsolete Geneva's strict limitations on questioning of enemy prisoners and renders quaint some of its provisions."

A still-secret section of the recently-released U.S. Army's Fay Report says that "policies and

practices developed and approved for use on Al Qaeda and Taliban detainees who were not afforded the protection of the Geneva Conventions, now applied to detainees who did fall under the Geneva Conventions' protections."

And Bush didn't take into account that even prisoners who don't are not POWs must still be treated humanely under the Geneva Convention on the Treatment of Civilians In Time of War.

The Schlesinger Report that came out within a day of the Fay Report accused the Pentagon's top civilian and military leadership of failing to exercise sufficient oversight and permitting conditions that led to the abuses. Rumsfeld's reversals of interrogation policy, according to the report, created confusion about which techniques could be used on prisoners in Iraq.

Rumsfeld has admitted ordering an Iraqi prisoner be hidden from the International Committee of the Red Cross. Pentagon investigators believe the CIA has held as many as 100 "ghost" detainees in Iraq. Hiding prisoners from the Red Cross violates Geneva.

The Schlesinger Report confirmed 5 detainee deaths as a result of interrogation, and 23 more deaths are currently under investigation.

The torture of prisoners in U.S. custody did not begin in Iraq, Afghanistan and Guantánamo. "I do not view the sexual abuse, torture and humiliation of Iraqi prisoners by American soldiers as an isolated event," says Terry Kupers, a psychiatrist who testifies about human rights abuses in U.S. prisons. "The plight of prisoners in the USA is strikingly similar to the plight of the Iraqis who were abused by American GIs. Prisoners are maced, raped, beaten, starved, left naked in freezing cold cells and otherwise abused in too many American prisons, as substantiated by findings in many courts that prisoners' constitutional rights to remain free of cruel and unusual punishment are being violated."

Torture techniques used in Iraq, Afghanistan, and Guantánamo are all too familiar in prisons in the U.S. as well. Hooded, robed figures with electrical wiring attached to them have been seen at the city jail in Sacramento, California. Prisoners in Maricopa County jails in Phoenix, Arizona have been forced to wear women's underwear. And guards in the Utah prison system have piled naked bodies in grotesque and uncomfortable positions.

The connection between mistreatment of pris-

oners here and abroad is even more direct than that. For example, John Armstrong ran Connecticut's Dept. of Corrections from 1995-2003, before being sent to Iraq as a prison adviser in September 2003. On his Connecticut watch, two mentally ill prisoners died while being restrained by guards. Two more inmates died in custody after guards mistreated them. And Armstrong made a remark once that equated the death penalty with euthanasia.

Speaking of the death penalty, the use of the gas chamber was challenged in California as cruel and unusual punishment, before the execution of Robert Alton Harris about 10 years ago. As a result California adopted the use of the lethal injection because it was more "humane" method of killing a person. Lawyers in Kentucky are now challenging the three-chemical cocktail used for lethal injections in many states as cruel and unusual. It took one man in Kentucky 12 minutes to die from the humane lethal injection.

In May 2000, the U.N. Committee Against Torture considered the United States' initial report on implementation of the Convention Against Torture. It expressed concern at torture and ill-treatment by prison guards – much of it racially motivated—and the sexual abuse of female prisoners by male guards. Human Rights Watch reports that sexual misconduct is rarely investigated, much less punished, and that punishments tend to be light.

Eight prison guards were acquitted of charges they subjected prisoners to cruel and unusual punishment by arranging gladiator-style fights among inmates, and setting up the rape of an inmate by a notoriously violent inmate known as the "Booty Bandit" at Corcoran State Prison in California.

Although Bush signed the Prison Rape Elimination Act of 2003, the law provides for no enforcement mechanism or cause of action for rape victims.

But prison guards have been convicted of organizing assaults on inmates in a federal prison in Florence, Colorado, and at Pelican Bay State Prison in California. The Department of Justice concluded that conditions at prisons in Newport, Arkansas are unconstitutional. And New Jersey prison guards reportedly brutalized over 600 prisoners.

A U.S. District Court Judge in California threatened to place the prisons into receivership if

the Department of Corrections (DOC) didn't overhaul its internal disciplinary system. In response, the DOC has undertaken an independent Bureau of Review to ensure violations do not occur in the future.

In the wake of the September 11 attacks, more than 1200 Arab, Muslim, and South Asian men were rounded up in one of the most extensive incidents of racial profiling in the U.S. since the Japanese were interned during World War II. A December 2003 report by the Department of Justice's Office of the Inspector General investigated allegations of physical and verbal abuse of non-citizen prisoners by the Federal Bureau of Prisons' (BOP) Metropolitan Detention Center (MDC) in Brooklyn, NY.

BOP policy prohibits staff members from using brutality, physical violence, intimidation toward inmates, or any force beyond that which is reasonably necessary to subdue an inmate.

The report concluded that several MDC staff members slammed and bounced detainees into the walls, twisted or bent their arms, hands, wrists, or fingers, pulled their thumbs back, tripped them, and dragged them on the floor. It also found violations of BOP policy by verbal abuse as well.

In *Estelle v. Gamble*, the U.S. Supreme Court applied the Eighth Amendment's ban on cruel and unusual punishment to conditions of confinement that are incompatible with the evolving standards of decency that mark the progress of a maturing society.

The United Nations' Economic and Social Council promulgated the Standard Minimum Rules for the Treatment of Prisoners. The Supreme Court in *Estelle* specified that these rules should be included in the measurement of "evolving standards of decency."

The rules provide that corporal punishment,

punishment by placing in a dark cell, and all cruel, inhuman, or degrading punishments shall be completely prohibited as punishments for disciplinary actions.

Fyodor Dostoevsky once said, "The degree of civilization in a society can be judged by entering its prisons."

In May, when the Abu Ghraib scandal was on the front pages, there were demands for Rumsfeld to resign. But Cheney told Rumsfeld there would be no resignations. It was blatantly political. We're going to hunker down and tough it out, Cheney said, so as not to hurt Bush's chances for election in November.

In spite of George W. Bush's renunciation of the International Criminal Court, many people around the world are clamoring for Bush and his deputies to be held accountable for the widespread torture of prisoners in Iraq, Afghanistan, Guantánamo, and the CIA's secret prisons elsewhere. In the words of Yale law professor Bruce Ackerman: "It is one thing to protect the armed forces from politicized justice; quite another, to make it a haven for suspected war criminals."

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The Abu Ghraib Scandal and the U.S. Occupation of Iraq

By John Cox

The U.S. public was shocked to learn at the end of April 2004 that American troops had abused and tortured helpless Iraqi prisoners. An April 28 broadcast of the popular CBS news show “60 Minutes,” followed within a few days by the first of several articles by Seymour Hersh in the *New Yorker*, exposed the criminal conduct of members of the 372nd Military Police Company at Abu Ghraib prison near Baghdad. The story might never have received much attention—many other credible accounts of U.S. abuses in Iraq had gone unnoticed—were it not for the video evidence of the crimes, taken by the perpetrators themselves.¹

Following the initial revelations, two important reports came to light: a report prepared by the International Committee of the Red Cross (ICRC) in February 2004 and another compiled for the U.S. military by General Antonio Taguba at the beginning of the year. Following are some of the ICRC’s findings:

- The crimes were not confined to Abu Ghraib, but occurred in more than a dozen “internment facilities” in central and southern Iraq, “indicating a consistent pattern... of brutal behavior during arrest.”
- In making arrests, U.S. troops routinely entered homes “after dark, breaking down doors, waking up residents roughly, yelling orders” and destroying property. The soldiers would tie the hands of the “suspects” behind their backs; “sometimes they arrested all adult males present in a house, including elderly, handicapped or sick people.” This section of the report describes additional forms of physical abuse that routinely accompanied arrests: “pushing people around, insulting, taking aim with rifles, punching and kicking and striking with rifles.” The troops allowed little if any opportunity for “suspects” to retrieve personal items before being bundled away, and “in many cases personal belongings were seized during the arrest, with no receipt being issued.”

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- “In almost all instances documented by the ICRC, arresting authorities provided no information about who they were [when making arrests], where their base was located, nor did they explain the cause of arrest. Similarly, they rarely informed the arrestee or his family where he was being taken and for how long, resulting in the de facto ‘disappearance’ of the arrestee for weeks or even months.” (page 6)

And who was being detained and subjected to this treatment—terrorists, armed insurgents, common criminals? On the contrary, the ICRC report concludes that “between 70% and 90% of the persons deprived of their liberty in Iraq had been arrested by mistake,” according to Coalition intelligence officers themselves.²

For its part, the Taguba report documented these findings:

- During the time of the investigation (October to December 2003), there were “numerous instances of sadistic, blatant, and wanton criminal abuses.” Following are some examples taken directly from Taguba’s report:
- Punching, slapping, and kicking detainees; videotaping and photographing naked male and female detainees; forcibly arranging detainees in various sexually explicit positions for photographing; arranging naked male detainees in a pile and then jumping on them;

positioning a naked detainee on a box, with a sandbag on his head, and attaching wires to his fingers, toes, and penis to simulate electric torture; placing a dog chain or strap around a naked detainee's neck and having a female soldier pose for a picture; a male MP guard having sex with a female detainee.

- Breaking chemical lights and pouring the phosphoric liquid on detainees; threatening detainees with a charged 9mm pistol; pouring cold water on naked detainees; beating detainees with a broom handle and a chair; threatening male detainees with rape; allowing a military police guard to stitch the wound of a detainee who was injured after being slammed against the wall in his cell; sodomizing a detainee with a chemical light and perhaps a broom stick; using military working dogs to frighten and intimidate detainees with threats of attack, and in one instance actually biting a detainee.³

What We Have Not Yet Heard: Abuses of Women, Children

The brutal treatment of female detainees was largely overlooked in the U.S. press coverage of the prisoner-abuse scandal. In December 2003 a woman prisoner at Abu Ghraib smuggled a note out of the prison alleging that "U.S. guards had been raping women detainees," and several were now pregnant. Further, "women had been forced to strip naked in front of men," reported Iraqi lawyer Amal Kadham Swadi.⁴ Swadi had earlier visited another U.S. detention center—at al-Kharkh, a former police compound in Baghdad—where she spoke with another woman who said she had been raped. "Several American soldiers had raped her. She had tried to fight them off and they had hurt her arm. She showed me the stitches." In a *Los Angeles Times* article, Tracy Wilkinson reported: "One woman told her attorney she was forced to disrobe in front of male prison guards. After much coaxing, another woman described how she was raped by U.S. soldiers. Then she fainted" from the duress of recounting her experience.⁵ The British *Guardian* newspaper reported, "an Iraqi woman in her 70s had been harnessed and ridden like a donkey at Abu Ghraib and another coalition detention center after being arrested last July."⁶ The Taguba report mentioned briefly that a videotape

existed of "a male MP guard having sex with a female detainee," yet very few journalists pursued this obvious reference to rape.

Amnesty International has expressed its concern over "numerous human rights violations against Iraqi juveniles, including detentions, torture and ill-treatment, and killings," and an article in the Scottish *Sunday Herald* determined that at least 107 children were still being held several weeks after the onset of the prisoner-abuse scandal.⁷ An Iraqi television reporter saw the children's wing of the prison when he was arrested and held for 74 days while making a documentary. The reporter, Suhaib Badr-Addin al-Baz, said that he saw "boys, under the age of puberty" being held. "There were certainly hundreds of children in this camp." He recalled the beating by Americans of a 12-year-old girl, and added that he "heard her cries and whimpering daily." This "caused other prisoners to cry as they listened to her." Al-Baz also mentioned the case of an "ill 15-year-old boy who was soaked repeatedly with hoses until he collapsed. Guards then brought in the child's father with a hood over his head. The boy collapsed again."⁸ One former prisoner told investigators that he witnessed the rape of a boy aged about 15 in Abu Ghraib.⁹ In a speech given in San Francisco in July, Seymour Hersh also asserted that young males were raped by U.S. soldiers: "The boys were sodomized with the cameras rolling, and the worst part is the soundtrack, of the boys shrieking."¹⁰

An internal Army investigation released its findings on August 25, 2004, listing several additional examples of the torture and sexual abuse of women and children. The Army report, called the Fay Report after one of the officers responsible for the investigation, disclosed "an alleged rape committed by a U.S. translator and observed by a female soldier, and the alleged sexual assault of a female detainee."¹¹ The Fay Report also described the use of "unmuzzled dogs in a sadistic game to frighten detained Iraqi teenagers to force the youths to urinate or defecate on themselves."¹²

Who Was Responsible?

U.S. government officials quickly created their own version of the prisoner-abuse scandal, a story that many political commentators were all too quick to promote: The errors were committed by a

group of six or seven poorly educated enlisted personnel, who were not representative of the military or its mission in Iraq. President Bush spoke of “a few bad American troops who dishonored our country,” while *New York Times* columnist William Safire ascribed the acts to a “handful” of bad soldiers.¹³

But who *was* responsible for the abuse of the Iraqi prisoners at Abu Ghraib? Seymour Hersh interviewed several current and retired intelligence officials while exploring this question for an article in the May 24 *New Yorker*. Hersh reported that Maj. Gen. Geoffrey Miller, who had been the commander of the military prison at Guantánamo, was sent to Iraq in August 2003 to make recommendations on interrogation procedures there. “In a report marked secret, Miller recommended that military police at the prison [Abu Ghraib] be ‘actively engaged in setting the conditions for successful exploitation of the internees.’”¹⁴ Miller briefed U.S. commanders in Iraq on the methods used at Guantánamo, such as sleep deprivation, stress positions for agonizing lengths of time, and exposure to extremes of hot and cold. A former intelligence official said that the aim of Miller’s recommendations was abundantly clear: “It means treat the detainees like shit until they will sell their mother for a blanket, some food without bugs in it and some sleep.”¹⁵ Hersh reported that Donald Rumsfeld and Stephen Cambone, the Under-Secretary for Intelligence, went even further than Miller’s proposals, importing into Iraq a “special-access program” employed in Afghanistan that expanded the range of techniques to include physical abuse and sexual humiliation. “The roots of the Abu Ghraib prison scandal lie not in the criminal inclinations of a few Army reservists,” Hersh concluded, “but in a decision approved by Secretary of Defense Donald Rumsfeld” to expand an operation into Iraq that “encouraged physical coercion and sexual humiliation” in order to “generate more intelligence about the growing insurgency in Iraq.”¹⁶

But the responsibility rests not only with Rumsfeld, Cambone, and the small number of other soldiers and officials directly or indirectly tied to the Abu Ghraib debacle; it rests on all the architects of this war and occupation. The rampant abuse of Abu Ghraib prisoners was not an aberration, as we have been told repeatedly. To the contrary, it was simply a microcosm of a war

and an occupation that has been distinguished from its first day by brutal methods and indifference to loss of life. In addition to the one thousand U.S. service members whose deaths have been reported, at least twelve thousand Iraqi civilians have been killed by the U.S. war to date, according to the most conservative estimates; perhaps tens of thousands of Iraqi combatants have died, including Hussein’s unfortunate conscripts in the early weeks of the war.¹⁷ A war that began in hubris and defiance of international law and opinion—and that has featured, among many other atrocities, the widespread shootings of civilians at checkpoints and a furious assault on the population of Fallujah in April 2004 that killed hundreds of non-combatants—could not fail to produce such a monstrosity as Abu Ghraib.

NOTES

1. *New York Times* Executive Editor Bill Keller admitted that his newspaper only picked up the story because of the sensational photographic evidence. “Any honest editor will give you the same answer. It’s the pictures; that’s what did it,” he was quoted in an article in the *American Journalism Review*, adding, “But it shouldn’t require visual drama to make us pay attention to something like this.” Sherry Ricchiardi, “Missed Signals,” *AJR* August/September 2004.
2. The ICRC report is available at: http://www.globalsecurity.org/military/library/report/2004/icrc_report_iraq_feb2004.htm
3. The Taguba report is available at: <http://news.findlaw.com/cnn/docs/iraq/tagubarpt.html>
4. Luke Harding, “The other prisoners,” *The Guardian*, 20 May 2004. Swadi’s efforts to investigate the plight of women in Abu Ghraib were frustrated. When she last tried to visit women at Abu Ghraib, “The U.S. guards refused to let us in. When we complained, they threatened to arrest us.”
5. “A Double Ordeal for Female Prisoners” Tracy Wilkinson 11 May 2004, *Los Angeles Times*.
6. Luke Harding, “The other prisoners,” *The Guardian* 20 May 2004. This incident was investigated by a British Labour Party MP, who found it to be true; the elderly Iraqi had been held for six weeks without charge.
7. Neil Mackay, “Iraq’s Child Prisoners,” *Sunday Herald*, 1 August 2004
8. *Ibid.*
9. Osha Gray Davidson, “The Secret File of Abu Ghraib,” *Rolling Stone*, 31 July 2004. The witness said

that the rape was videotaped by a female soldier. This witness, Kasim Mehaddi Hilas, also reported that he saw another boy sodomized with a phosphoric light, also videotaped by the same soldier. Hilas's sworn testimony is contained in the nearly 6,000 pages of classified annexes to the Taguba report.

10. Charles Arthur, "Secret film shows Iraq prisoners sodomised," *The Independent*, 16 July 2004.

11. "Latest Report on Abu Ghraib: Abuses of Iraqi Prisoners 'Are, Without Question, Criminal,'" no author, *New York Times*, 26 August 2004.

12. Eric Schmitt, "Abuses at Prison Tied to Officers in Intelligence," *New York Times*, 26 August 2004. An unclassified, 177-page version of the Fay Report (also known as the Fay-Jones Report) is available on-line at: http://www.humanrightsfirst.org/us_law/PDF/abuse/040825fay.pdf.

13. William Safire, "The Cruellest Month," *New York Times*, 3 May 2004.

14. Hersh, "The Gray Zone," *The New Yorker*, 24 May 2004.

15. Davidson, "The Secret File of Abu Ghraib."

16. Seymour M. Hersh, "The Gray Zone," *The New Yorker*, 24 May 2004. Hersh has published a more

thorough account of his findings in his book *Chain of Command: The Road from 9/11 to Abu Ghraib* (New York: HarperCollins), released in September 2004.

17. A group called Iraq Body Count maintains a tally of Iraqi civilian deaths: <http://www.iraqbodycount.net>

An Iraqi political group called the People's Kifah (Struggle for Hegemony) released what it called a "detailed study" of civilian deaths at the end of July 2004, which estimated that 37,000 civilians have been killed. In October 2004 *The Lancet*, the esteemed medical journal, published a study conducted by researchers from Johns Hopkins University that concludes that as many as 100,000 Iraqi civilians may have died due to the U.S. invasion and war. The report is available on-line at: http://www.thelancet.com/journal/vol364/iss9445/early_online_publication.

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Historians Against the War

Who We Are: Historians Against the War (HAW) is a national network, founded at the 2003 annual meeting of the American Historical Association to express opposition to the impending war on Iraq and the Bush Administration's assault on civil liberties. Since the United States invasion of Iraq, our concerns about U.S. foreign and domestic policy have increased.

In September 2003, we issued a follow-up statement expressing our opposition to the occupation of Iraq, the expansion of United States empire, the doctrine of preemptive war, and the continued encroachment on civil liberties. More than 1500 historians have signed this statement:

As historians, teachers, and scholars, we oppose the expansion of United States empire and the doctrine of pre-emptive war that have led to the occupation of Iraq. We deplore the secrecy, deception, and distortion of history involved in the administration's conduct of a war that violates international law, intensifies attacks on civil liberties, and reaches toward domination of the Middle East and its resources. Believing that both the Iraqi people and the American people have the right to determine their own political and economic futures (with appropriate outside assistance), we call for the restoration of cherished freedoms in the United States and for an end to the U.S. occupation of Iraq.

We welcome your ideas and energy. Help us to plan future activities. To join HAW, go to www.historiansagainstawar.org, and sign our Statement. You will immediately be added to our information-only listserv, and will receive regular updates and a periodic electronic newsletter. You can download and print copies of this and other publications, or bulk order "Torture, American Style" at cost (\$15 for 25 copies, \$25 for 50).

