

On Torture

Laleh Khalili

BOOKS REVIEWED:

Darius Rejali, *Torture and Democracy* (Princeton, NJ: Princeton University Press, 2007).

Marnia Lazreg, *Torture and the Twilight of Empire: From Algiers to Baghdad* (Princeton, NJ: Princeton University Press, 2008).

"We do not torture," claimed President George W. Bush, on the very day, November 7, 2005, that his administration sought the CIA's exemption from laws that ban the practice. But many of Bush's critics are equally wrong in maintaining that it was his administration that introduced "a new culture of cruelty" to the statecraft of the United States or that, by torturing detainees in Iraq and elsewhere, a previously lawful and moral US democracy "lost its way."^[1]

Torture has, in fact, been a US weapon in every "small war" the US has fought, as it has in the counterinsurgency campaigns of other liberal democracies. What distinguishes the use of torture in the post-September 11 "war on terror" is the astonishing broadening of its scope, on the one hand, and the construction of a legal edifice around it, on the other.

In 1902 Senate hearings, William Howard Taft, the governor general of the colonized Philippines who was elected president himself in 1908, testified about the "enhanced interrogation techniques" visited upon Filipinos by the US Army:

What I am trying to do is to state...that cruelties have been inflicted; that people have been shot when they ought not to have been; that there have been... individual instances of the water cure, that torture which I believe involves pouring water down the throat so that the man swells and gets the impression that he is going to be suffocated and then tells what he knows, which was a frequent treatment under the Spaniards, I am told—all these things are true.... I know courts-martial were ordered and some courts-martial were lectured for not punishing more heavily than they did men whom the evidence showed had been guilty of that method of securing evidence.

Taft's interlocutor, Sen. Thomas M. Patterson (D-CO), asked him: "When a war is conducted by a superior race against those whom they consider inferior in the scale of civilization, is it not the experience of the world that the superior race will almost involuntarily practice inhuman conduct?" Replied the future president: "There is much greater danger in such a case than in dealing with whites. There is no doubt about that."^[2]

A little over one hundred years later, the practices uncannily persist. The US has once again invaded a much smaller country for geopolitical gain. The process of conquest is the same: a speedy conventional victory followed by years of asymmetric warfare against committed nationalists. Civilians and guerrillas alike are subjected to torture. The perpetrators, meanwhile, receive a rebuke so mild as to indicate tacit endorsement of their strong-arm methods. And, not least, racist discourses that legitimate the US atrocities reverberate across the century.

Torture

Torture is often defined as the intentional infliction of suffering in order to extract information. Yet when democracies torture, as Darius Rejali writes in his encyclopedic *Torture and Democracy*, they usually avoid leaving physical marks. Precisely because waterboarding—where the victim is held upside down, his face covered with a wet cloth and water poured on his mouth and nose until he begins to drown—leaves no visible trace, it is a useful method of tormenting “enemies” while avoiding outside scrutiny.

It is dispiriting to read about the creativity of torturers in exacting agonies upon their prey. Rejali dedicates a chapter apiece to several families of method: light, heat and sweat; water (including pumping, choking, showers and ice); bathtubs; shock; magnetos; electric currents; prods, Tasers and stun guns; whips and paddles; sleep deprivation; salt and spice; stress and duress; forced standing; fists; exhaustion; bodily restraints; noise; and pharmacological substances.

The suffering accumulates slowly and steadily in Rejali’s comprehensively researched and coolly argued pages. One reads again and again about ostensibly democratic governments that borrow technologies of pain from one another and from less savory regimes, going so far as to emulate certain Gestapo methods. Indeed, it seems that the techniques used to torture Iraqis and Afghans in the “war on terror” were “reverse engineered” from a Survival, Evasion, Resistance and Escape (SERE) course offered to US Special Forces soldiers, among others, and designed to inure them to enemy torture. The course, ironically, was devised to reflect the North Korean methods used on US prisoners of war some 60 years ago.[3]

The torments most extensively used in SERE training are hooding, sleep deprivation, stress positions, noise, withholding food and drink, and temperature extremes. The first five of these, intriguingly, are notorious as “the five techniques” used by the Royal Ulster Constabulary against Republican dissidents in Northern Ireland in the early 1970s[4] and were declared by the European Human Rights Commission to be in contravention of the continent’s human rights convention.[5] Nonetheless, British soldiers resurrected them for use against Iraqis in Basra in 2003.[6] And the preceding year, the same five techniques formed the core of a list of “enhanced interrogation methods” delineated in a memorandum issued by the Office of the General Counsel of the Department of Defense, now known as the Haynes memo, after its author William J. Haynes III.[7] The sangfroid with which these torture techniques were treated by Pentagon officials is most clearly on display in Donald Rumsfeld’s handwritten note in the margins of the declassified memo: “However, I stand for 8–10 hours a day. Why is standing limited to 4 hours?”

Rejali traces the lineage of the forced standing, hooding and attachment of electric wires to the body that form the triumvirate of tortures in the iconic Abu Ghraib photograph. These techniques traveled from apartheid South Africa and authoritarian states in South and Central America to Spain and Northern Ireland before making their way into the Haynes memo. Rejali’s explanation of why torturers use hooding is instructive: “Hooding does not simply confuse prisoners, making them more vulnerable and confused. It also deprives the prisoner of information about what was done, who did it and where it happened, making their public testimony less useful.”

Counterinsurgency

In its use of torture the US differs from, say, Syria or Egypt, because while those regimes deploy an elaborate secret service to watch, interrogate and punish

domestic dissidents, the US has usually tortured insurgents on foreign soil, and has not maintained a centralized and clandestine apparatus of torture for use against Americans. Here the US is similar to other democracies: While torture at home would eventually be monitored, counterinsurgency campaigns occur far away and torture there—presented to the patriotic public as a matter of life and death in war—is less likely to provoke outrage. The US conquest of the Philippines, more or less concurrent with Britain's asymmetric warfare against the Boers in South Africa, marks the beginning of the modern era of small wars. It was in these two wars (and that of the Spanish against the Cubans) that detention of guerrillas and civilians, both individually and en masse, became a central tactic of warfare.

The fact that guerrillas are often indistinguishable from civilians—in that they often do not wear uniforms and move about freely among the populace—has meant that a great many civilians have been subjected to torture. The infamous Phoenix Program was intended to subvert the Vietnamese guerrillas' popularity with villagers in South Vietnam. First conceived by the CIA and then implemented by the government of South Vietnam in coordination with various branches of the Special Forces, the program targeted civilian supporters of the guerrillas, who were opaquely transformed into the acronym VCI, for "Viet Cong Infrastructure." The program succeeded in "neutralizing" over 60,000 "non-military Vietcong insurgents and sympathizers," with 26,843 of those assassinated and the rest held captive and brutally tortured in the dreaded "Tiger Cages."^[8]

Today, the US military all too frequently looks to the attempted French pacification of Algeria as a model. French-controlled Algeria is particularly relevant because there—as famously narrated in Gillo Pontecorvo's film *The Battle of Algiers*—the use of torture in counterinsurgency reached its apogee. In her fluidly written *Torture and the Twilight of Empire*, Marnia Lazreg contends that torture was not, as is often argued, a terrible side effect of colonial warfare, but rather a central tactic of control. Lazreg's extensive interviews with both French *pied-noirs* and Algerians show that torture was "rationalized, professionalized and systematized under the leadership of committed generals.... Torture became a standard method for screening individuals picked up during roundups, identity checks or operations. It was not only inflicted to get confessions, but also to obtain information of any kind."

The two best-known theoreticians of French counterinsurgency in Algeria, David Galula and Roger Trinquier, confirm this conclusion. After fighting as an infantryman in Kabylia, Galula moved to the US, where he completed *Pacification in Algeria, 1956–1958* and *Counterinsurgency Warfare: Theory and Practice* during fellowships at the RAND Corporation and Harvard University, respectively. The latter volume is now on the US Army Command and General Staff College curriculum, and has served as inspiration for the new *US Army/Marine Corps Counterinsurgency Field Manual*, known by its military designation *FM 3-24* and lovingly referenced by journalists and bloggers enamored of the counterinsurgency measures of Gen. David Petraeus in Iraq.^[9] Strikingly, Galula is mostly matter-of-fact about torture, and mentions that the "single most important improvement in our counterinsurgency operations in Algeria" was the improvement in the detention and interrogation facilities of the colonial military.^[10]

Roger Trinquier, who was a central figure in the Battle of Algiers and whose *Modern Warfare* also appears under the emblem of the US Army Command and General Staff College, writes that the terrorist

must be made to realize that, when he is captured, he cannot be treated as an ordinary criminal, nor like a prisoner taken on the battlefield.... [He] is not asked about details about himself or about attacks that he may or may not have committed, but rather for precise information about his organization.... No lawyer is present for such an interrogation. If the prisoner gives the information requested, the examination is quickly terminated; if not, specialists must force his secret from him. Then, as a soldier he must face the suffering, and perhaps the death, he has heretofore managed to avoid.^[11]

As Eqbal Ahmad pointed out nearly 40 years ago, it is often "men of impeccable liberal credentials" who design counterinsurgency campaigns.^[12] Counterinsurgency is purported by liberal commentators to be the "softer" alternative to massive firepower, even "armed social science."^[13] In the 1960s, the social scientific fashion was modernization theory and US forces built schools and health clinics in support of their pacification efforts. Today, culture is at the core of academic fashion, and so counterinsurgencies are all about "cultural sensitivity." And yet, the supposedly sensitive option of counterinsurgency relies upon the gathering of human intelligence. Acquiring human intelligence, in turn, depends upon the capture of those with information and the extraction of that information by "specialists." Geographic distance, the "otherness" of the insurgents, methods that do not leave physical marks and are "plausibly deniable"—all this has protected these "specialists" in torture.

Law

Traceless torture is enabled by toothless law. If a 1994 US statute and the elaborate Uniform Code of Military Justice forbid torture, ambiguities in the former and the practice of the latter through courts-martial has meant that those accused of torture have often managed to escape serious—if any—punishment. Juries of soldiers' peers have often weighed the military's morale against the letter of the law and frequently voted to acquit. Indeed, inquiries into US torture have historically been forced through political mobilization rather than legal procedure. As early as the 1915 US invasion of Haiti, Marines accused of killing hundreds of Haitian prisoners were let off without punishment. Courts-martial dismissed cases because of "insufficient evidence," and subsequent investigations were stonewalled. None of the US brutalities were publicized until election-year party politics brought them to light and a Congressional inquiry finally took place in 1921.^[14]

In the "war on terror," the only people court-martialed for torturing Iraqis have been low-ranking soldiers, with the highest-ranking officer to appear in court—a colonel—seeing charges dismissed in two days. A number of the well-known officers involved in the atrocities have in fact been promoted. For example, Capt. Carolyn Wood, who according to the Pentagon's own investigation transferred a number of "enhanced interrogation methods" from Afghanistan to Abu Ghraib, was awarded a Bronze Star and assigned to teach interrogation methods at Fort Huachuca in Arizona.^[15] Further, the torture inflicted at Guantánamo Bay and in Afghanistan has been so well hidden that news of it leaks out in dribs and drabs, foreclosing the possibility of bringing perpetrators to justice.

More complicated has been the outsourcing of torture to proxies in what has come to be known as extraordinary rendition, certainly an innovation of the Bush administration, even if the basic process of rendition has historical precedent in British practices^[16] and legal scaffolding erected by the Clinton administration.^[17] Detention and torture at Guantánamo Bay (and also at the US bases on the island of Diego Garcia) are cloaked by extraterritoriality. The

base at Guantánamo is a legal no man's land that ostensibly "belongs" to Cuba, but it is indefinitely leased to the US and therefore is not really in either country. Rendition and the holding of detainees in territorially ambiguous locales are instances of defining the boundaries of national territory so as to locate "enemies" outside those boundaries—and push them outside the reach of domestic law.

The most significant rupture effected by the Bush administration practices, however, has been the concerted attempt to transform the use of torture in counterinsurgency from *ade facto* occurrence, kept invisible from the prying eyes of the public, into a *de jure* process, complete with a new corpus of laws to support it. The White House has crafted bills for ratification by a supine Congress—such as the Military Commissions Act of 2006—that grant retrospective immunity to torturers. It has further defended before the Supreme Court the suspension of *habeas corpus*, the use of military commissions and the circumvention of federal laws and international legal opinions.

One of the administration's most innovative factories of legal opinion has been the Office of the Legal Counsel at the Justice Department. The opinions issued there set the parameters of action for the executive branch, essentially at White House request. By stacking this office with lawyers amenable to enhancing presidential powers and immune to counterarguments—at least in its first term—the Bush administration secured legal cover for the interrogators of the Defense Department and the CIA. It did so through the now declassified "torture memos" drafted primarily by Jay Bybee and John Yoo. These memos infamously defined physical torture as "equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function or even death," while in order for psychological torture to be counted as such the memos required it to have lasted for "months or even years."^[18] Concern about the legality of these Justice Department memos was substantial enough to compel CIA officials to seek additional written authorization from the White House.^[19] The boldness of interpreting the law in distorted ways to suit an executive branch bent on war is not without precedent in the US,^[20] but the number of people possibly subjected to torture sanctioned thereby—by some estimates, tens of thousands of detainees held in Iraq, Afghanistan, Guantánamo and black sites around the world—is staggering.

Race

Perhaps what accounts for torture becoming less taboo is the "otherness" of those subjected to it. Race, or the various euphemisms for it, was central to colonial conquest and also, in tacit ways, underlies the liberal interventionist projects of today. If nineteenth-century empires justified their domination through their supposed civilizational or racial superiority, the imperial project of the twenty-first century either refers to inferior cultures or, in its more sophisticated versions, invokes a savage chaos which only *pax Americana* will allay.

In the Philippines of the early twentieth century, American imperialists saw themselves as bringing civilization to a land of savages and barbarians, and to delegitimize the Philippine Republic, they portrayed the Philippine society as "a set of fragmented and warring 'tribes' that were 'incapable' of nationality."^[21] The designation of the Filipinos as "lower races" gave carte blanche to many US soldiers and officers to subject both guerrillas and civilians to violence. A US Army marching song composed during the Philippine wars, titled "The Water Cure in the P.I.," included verses such as:

*Get the good old syringe boys and fill it to the brim
We've caught another nigger and we'll operate on him
Let someone take the handle who can work it with a vim
Shouting the battle cry of freedom*[22]

The water cure, when administered to a foreign person imagined as fitting an imported notion of racial inferiority, was made a part of the battle cry of freedom.

Here also continuities persist. The description of Iraqis as a seething mass of recalcitrant tribes occurs again and again in the writings of the "warrior-scholars" of the US military. But there have been innovations in the language of racialization. If "race"—the institutionalization of perceived physiognomic difference—is no longer considered a polite way of speaking of lower orders, "culture" is. Tony Lagouranis, an interrogator in Iraq, describes his training at Abu Ghraib before he began work there:

Arabs, apparently, can't create a timeline. "They don't think linearly or rationally. They have a different relationship with truth than we do. They prefer the beautiful to the true. They rely on metaphor instead of facts. They think through association, not logic or reason." Okay, so the people who invented algebra can't think logically? I started to fade out again, but there were some things that directly pertained to my future interrogations: "Lying is not taboo or dishonorable to Arabs... So you can't trap them in a contradiction or force them to admit they're lying. They'll consider you impolite or uncultured..." Our instructor wasn't relying on a very large body of research to produce these "facts." He essentially borrowed everything he said from a single book, *The Arab Mind* by Raphael Patai.[23]

Portrayal of a population as culturally backward is only a crude retread of openly racist thinking. This version, with its gross generalizations, encourages a standard of behavior from the soldiers toward Iraqis that would be unacceptable with those "like us." Because the Iraqi prisoner is always already construed as a liar, violence to extract the elusive truth from him is sanctioned.

A more sophisticated version of this racialist thinking sets "their" pre-modernity against "our" post-modernity, and envisions "their" societies as "vacuums of chaos and massacre" into which "American military power, together with European money and humanitarian motives,"[24] produces "a world in which the efficient and well-governed export stability and liberty, and which is open for investment and growth." [25] If "they" are barbarians, then the exercise of violence against their bodies and lives, while regrettable, becomes a side effect of the establishment of order and stability. What has been most notable about the defenders of "empire lite" is their silence in the face of torture seen in Iraq and Afghanistan, and their tacit defense of it. Thus, the "ticking bomb" scenario becomes a liberal's viable argument for torture,[26] while the same lawyer who defended a Guantánamo detainee's right to *habeas corpus* can argue that preventive detention should be incorporated into the body of US law.[27] In the latter instance, "criminalizing group membership" is mentioned as a possible—and regrettably necessary—consequence. Given that we live in the age of profiling, the group whose membership can become a crime can just as easily be an identity group—all Arabs, say, or all salafi Muslims.

Last Words

The transcript of the interrogations of Mohammad al-Qahtani, detainee number 063 at Guantánamo, is instructive despite the gaps and silences therein.[28] Al-

Qahtani was interrogated continuously for 50 days, during which he was allowed to sleep only in four-hour blocks every 20 hours, if that. On the third day, al-Qahtani, who was on hunger strike, was given several bags of fluid intravenously and prevented from using the lavatory. The logs report impassively that the "detainee goes in his pants" while his interrogation continues. By the fourth day, he has to be forced to stand every 15 minutes in order to keep awake. After the first week, he has painfully swollen limbs and has been compelled to exercise, been given an enema and forced to have intravenous fluids. In the second week, after his beard and hair are forcibly shaven and he is disoriented by being moved between different interrogation rooms while hooded, the interrogators use "Pride and Ego Down, Fear Up Harsh and Invasion of Space by a Female" as interrogation approaches. By then, he is severely dehydrated and his heart rate has dropped to 35 beats per minute. After he is revived in the hospital, he is returned to the interrogation room. In the third week, the regime of interrogations, forced listening to loud music or white noise, forced intravenous feeding and the aforementioned interrogation methods continues.

By the fourth week, after more forced shaving, loud music and struggles over food and drink, the interrogators leash al-Qahtani and force him to perform dog tricks. "A towel was placed on the detainee's head like a burka with his face exposed and the interrogator proceeded to give the detainee dance lessons." In the fifth week, al-Qahtani is subjected to yet more crushingly similar assaults while told that his mother and sisters are whores: "At this point of the discussion I was forehead to forehead with the detainee and he stated that he would rather be beaten with an electrical wire than to have me constantly in his personal space. Also, he stated that he would rather die at my hands than to be subjected to my invasion of his personal space. He stated that this is unbearable to him, my being in his personal space." He is recorded as weeping on a number of occasions. By the sixth week, he is denied the right to pray unless he "gives something up," has had water thrown at him, been questioned continuously, subjected to white noise, forced to strip in front of women and straddled by a woman interrogator. In the seventh week, the forced sleeplessness continues, as do the repetitious questioning, struggles over eating and drinking, and al-Qahtani's weeping. Four years later, agents of the Pentagon's Criminal Investigation Task Force told MSNBC that al-Qahtani could not be tried because of "what was done to him." Al-Qahtani is still held in Guantánamo.

Al-Qahtani's interrogation logs are extraordinary, not only because of the cruel techniques based on reverse-engineered SERE methods and whose persistence over a period of 50 days is horrifying, but also because of their very tedious banality. The use of culturally calibrated abuses, the refusal to believe that al-Qahtani may be ignorant of something questioned, rather than cunningly evasive about it, the bureaucratic conscientiousness with which every exercise break and lavatory trip is recorded—all are prosaically familiar and yet malevolently innovative. The interrogators treat al-Qahtani as a conniving enemy whose slow-motion mental breakdown is taken to be a performance and further proof of his familiarity with the Manchester Document, with which al-Qaeda operatives are said to be instructed in resisting interrogation. In the isolation of Guantánamo, US military intelligence officers have all the time and legal sanction in the world to do as they please to detainee 063. Al-Qahtani and others do not have access to lawyers; they are not charged with any crime; and they are held indefinitely.

Al-Qahtani was not subjected to waterboarding, beating or rape, though he was short-shackled, frightened with a dog and sexually humiliated. Other "high-value detainees" such as Khalid Sheikh Muhammad, however, have been waterboarded.^[29] The detainee known as Abu Zubayda apparently lost his mind

under torture.^[30] The CIA has destroyed the recordings of their interrogation and torture. The prison camp at Guantánamo Bay continues to hold detainees whom the hastily assembled military tribunals have found to be innocent but the administration refuses to release. Military commissions are still enshrined in law, even if the Supreme Court has ruled a clause therein that suspends *shabeas corpus* unconstitutional. Torture is now forbidden by law, even if the CIA is still granted an exception to that law. Scores of thousands of detainees are still held in Iraq, Afghanistan and various black sites throughout the world. Detention as an instrument of intelligence gathering continues to be preserved as a central tactic of counterinsurgency in the military manuals produced by the Pentagon's new breed of warrior-scholars. Ultimately, the lessons of torture have been learned bodily, and as long as the US military fights asymmetric wars in defense of its economic and geopolitical dominance among racialized peoples of the Third World, those corporeal memories of torture will arise again and again in concrete prison cells far from the gaze of the horrified public.

Endnotes

[1] See, for example, Philippe Sands, *Torture Team: Deception, Cruelty and the Compromise of Law* (London: Allen Lane, 2008), p.270; and Jane Mayer, *The Dark Side: The Inside Story of How the War on Terror Turned into a War on American Ideals* (New York: Doubleday, 2008), pp. 327–335.

[2] Senate Committee on the Philippines, April 1902. Senate Document 331, Section 1, Part 2.

[3] Jane Mayer, "The Experiment," *The New Yorker*, July 11, 2005.

[4] Lord Parker of Waddington, *Report of the Committee of Privy Counsellors Appointed to Consider Authorized Procedures for the Interrogation of Persons Suspected of Terrorism* (London: Her Majesty's Stationery Office, 1972).

[5] European Human Rights Commission, Case 5310/71, *Ireland v. United Kingdom*, January 18, 1978.

[6] *Guardian*, May 14, 2008.

[7] Although the original list of techniques attached to the Haynes memo remains classified, subsequent detainee testimonies and other documents released under the Freedom of Information Act indicate that "the five techniques" were indeed the most frequently used. See Sands, *Torture Team*, passim.

[8] Douglas Valentine, *The Phoenix Program* (New York: William Morrow, 1990), pp. 347–350, 378.

[9] On Galula's influence on FM 3-24, see Lt. Col. John Nagl's foreword to *The US Army/Marine Corps Counterinsurgency Field Manual* (Chicago: University of Chicago Press, 2007), pp. xix, xlix.

[10] David Galula, *Pacification in Algeria, 1956–1958* (Santa Monica, CA: RAND Corporation, 1963), pp. 180–186.

- [11] Roger Trinquier, *Modern Warfare: A French View of Counterinsurgency* (trans. Daniel Lee) (London: Pall Mall Press, 1964), p. 21.
- [12] Eqbal Ahmad, "Counterinsurgency" [1971] in *The Selected Writings of Eqbal Ahmad* (New York: Columbia University Press, 2006), p. 39.
- [13] George Packer, "Knowing the Enemy: Can Social Scientists Redefine the 'War on Terror'?" *The New Yorker*, December 18, 2006.
- [14] See Mary A. Renda, *Taking Haiti: Military Occupation and the Culture of US Imperialism, 1915–1940* (Chapel Hill, NC: University of North Carolina Press, 2001).
- [15] *Arizona Daily Star*, March 26, 2005.
- [16] *Independent*, December 6, 2007.
- [17] Stephen Grey, *Ghost Plane: The True Story of the CIA Torture Program* (New York: St. Martin's Press, 2006), pp. 145, 216.
- [18] The memorandum was disavowed by the end of 2002. By then, however, it had already authorized and influenced the suggestions of the Pentagon's working group on interrogation. See Jameel Jaffer and Amrit Singh, *Administration of Torture: A Documentary Record from Washington to Abu Ghraib and Beyond* (New York: Columbia University Press, 2007), p. xx.
- [19] *Washington Post*, October 15, 2008.
- [20] See *Ex parte Quirin*, in which the 1942 Supreme Court allowed military tribunals to try civilian saboteurs, both citizen and alien.
- [21] Paul A. Kramer, *The Blood of Government: Race, Empire, the United States and the Philippines* (Chapel Hill: University of North Carolina Press, 2006), p. 90.
- [22] *Ibid.*, p. 141.
- [23] Tony Lagouranis and Allen Mikaelian, *Fear Up Harsh: An Army Interrogator's Dark Journey Through Iraq* (New York: NAL Caliber, 2007), pp. 17–18.
- [24] Michael Ignatieff, "The Burden," *New York Times Magazine*, January 5, 2003.
- [25] Robert Cooper, "The New Liberal Imperialism," *Observer*, April 7, 2002. Cooper, a senior British diplomat, was Prime Minister Tony Blair's adviser on intervention.
- [26] Alan Dershowitz, "Democrats and Waterboarding," *Wall Street Journal*, November 7, 2007.
- [27] Jack Goldsmith and Neal Katyal, "The Terrorists' Court," *New York Times*, July 11, 2007.
- [28] "Interrogation Log: Detainee 063," accessible online at <http://www.time.com/time/2006/log/log.pdf>.

[29] Mayer, *The Dark Side*, pp. 272–280.

[30] *Ibid.*, pp. 154–169.