

THE REMOVAL OF CLOTHING DOES NOT LEAD TO NUDITY

✘ That's a claim that Jim "Chevron" Haynes made yesterday in the Senate Armed Services Committee hearing on torture. In a pathetic attempt to claim that his own 2-page (with zero footnotes) recommendation and Rummy's subsequent authorization of a number of techniques—including the use of fear and the removal of clothing—did not lead to the horrors of Abu Ghraib, Haynes actually claimed that the removal of clothing was in some way qualitatively different than nudity.

Haynes: Some conflation. Two of items for Qahtani included clothing and use of phobia. What was approved by SecDef. Widely held understanding of what was in those two categories. Use of dogs not intended to be dogs in interrogation room with detainee. Muzzled dogs in perimeter. Removal of clothing not nudity. You then jumped to dogs in room and naked people.

As Claire McCaskill pointed out to Diane Beaver and Jane Dalton, if the written documentation allows the use of phobias and removal of clothing, and that written documentation doesn't rule out the removal of **all** clothing, you're going to have nudity.

McCaskill Reading memo. You understand words matter. Removal of clothing. It says Using detainee phobias such as fear of dogs. I'm trying to figure out as a lawyer, how that does not envision naked people having dogs sicced on them. How does that not occur?

Beaver When you develop a plan, if someone had said, lets sic the dogs on

them. That did not happen.

McCaskill Dogs were used with naked people.

Beaver Not at Gitmo

McCaskill Within our military. It happened.

Beaver I can't comment..

McCaskill Ms Dalton

Dalton: Those approved for Gitmo and did not involve nudity.

McCaskill Removal of clothing. When you were discussing safeguards. Did any one talk putting in the word "all"? If I saw removal of clothing and I was trying to get info, how would anyone know?

Dalton General Miller said it did not involve nudity.

McCaskill there's nothing here that would say removal of clothing. It's not in there.

All three of these people are pretending that "everyone" involved knew there were a certain set of conditions that limited the use of phobias and removal of clothing that would somehow prevent piling detainees into heaps of naked human flesh—conditions that, unfortunately, Haynes' two page memo failed to communicate. In fact the closest any Senator came to piercing the chilling defenses of Haynes and Beaver and Dalton came when Jack Reed asked Haynes what the conditions on using such techniques were—and how an interrogator would know about those conditions if they were never written on paper (here's the tail end of this exchange, h/t perris).

Reed: Dalton went to some length to say that her opinion was based on the conditions. Where is that communicated in your memo. If those conditions were

central to the legality of your advice, don't you have an obligation to communicate this to him? Shouldn't you also communicate to him that his concurrence was contingent on some conditions?

Haynes: All understood that those conditions apply.

Reed; Can you list them?

Haynes: You've got more documents than I've ever seen on this. There were plans that had to be developed with each detainee. [filibuster filibuster filibuster]

Reed; Where does it reference those conditions.

Haynes: Not to mention the training that that question maligns.

Reed; I reject that. You empowered them to ignore the UMCJ. The only thing you sent them was these techniques apply. Don't go around claiming you protect the integrity of the military. You degrade the integrity of the US military.

Had Reed persisted, I'm sure, Haynes would have had to admit he could not name the conditions (in his babbling responses to Reed's questions about conditions, he reminded me distinctly of Lynn Westmoreland stumbling the Ten Commandments). But Reed—like the other Senators (including Lindsey Graham, who did an overall good job here)—simply got disgusted with Haynes before they could pin him on his evasions. I guess it pays to be disgustingly immoral if you want to make it through a Senate hearing on torture.

There are a number of other key revelations not reported widely in the press.

▪ According to documents

released yesterday, Michael Chertoff was among the Administration Officials who went on a Gitmo field trip on September 25, 2002 (this is important because Yoo claims—and Chertoff denies—that Chertoff signed off on torture techniques before Yoo wrote his DOD-focused opinion)

- DOD released a document dump of 38,000 documents this week on torture policies
- Some of the most important orders leading up to DOD's torture policy—most notably Haynes' instruction to Admiral Dalton to stop consulting with the military services for input on the torture policy—were not in writing
- Alberto Mora knows of at least one incidence in which allies have refused to participate in operations with us because of our habit of torturing

Levin You said allies might stop supporting combat operations. That would put more troops in harms way. Do you have specific example?

Mora: One specific one, but I'd prefer to discuss in closed session.

But for me (and for Diane), the revelation from

yesterday's hearings that best characterizes the Administration's disgusting attempts to disclaim the torture it endorsed is the proposition that removing clothing is not the same as nudity.