

CLIFF MAY: N_O READING, 'RITING, OR 'RITHMETIC

Some lessons on the 3 Rs for the Cliff May and the other folks at N_O, who apparently don't know this stuff.

Reading

First, read before you write. Because when you write,

Under a strict set of rules, every pour of water had to be counted – and the number of pours was limited.

Also: Waterboarding interrogation sessions were permitted on no more than five days within any 30-day period.

No more than two sessions were permitted in any 24-hour period.

A session could last no longer than two hours.

There could be at most six pours of water lasting ten seconds or longer – and never longer than 40 seconds – during any individual session.

Water could be poured on a subject for a combined total of no more than 12 minutes during any 24 hour period.

You might want to know that the guidelines you pretend protected Abu Zubaydah and Khalid Sheikh Mohammed come from the 2005 memos, more than two years after AZ and KSM were waterboarded. So while you might regard them as strict and reasonable (I don't), they didn't have any bearing on what happened to AZ and KSM.

The guidelines in the 2002 memo—the ones in place when AZ and KSM were waterboarded—said,

Finally, you would like to use a technique called the "waterboard" in this procedure, the individual is bound securely to an inclined bench, which is approximately four feet by seven feet. The individual's feet are generally elevated. A cloth is placed over the forehead and eyes. Water is then applied to the cloth in a controlled manner. As this is done, the cloth is lowered until it covers both the nose and mouth. **Once the cloth is saturated and completely covers the mouth and nose, air flow is slightly restricted for 20 to 40 seconds due to the presence of the cloth.** this causes an increase in carbon dioxide level in the individual's blood. This increase in the carbon dioxide level stimulates increased effort to breathe. This effort plus the cloth produces the perception of suffocation and incipient panic," i.e., the perception of drowning. The individual does not breathe any water into his lungs. **During those 20 to 40 seconds, water is continuously applied from a height of twelve to twenty-four inches.** After this period, the cloth is lifted, and the individual is allowed to breathe unimpeded for three or four full breaths. The sensation of drowning is immediately relieved by the removal of the cloth. The procedure may then be repeated. The water is usually applied from a canteen cup or small watering can with a spout. You have orally informed us that this procedure triggers an automatic physiological sensation of drowning that the individual cannot control even though he may be aware that he is in fact not drowning. **You have also orally informed us that it is likely that this procedure would not last more than 20 minutes in any one application.** [my emphasis]

Your "strict set of rules," such as they existed when Abu Zubaydah was waterboarded 83 times in a month and Khalid Sheikh Mohammed 183 times in a month, **did** describe air flow being restricted for only 40 seconds (though the term "restricted" refers to air flow, not to the rules themselves). Though the only limit on "session" time comes from an oral assurance that "it is likely" to last no more than 20 minutes.

Furthermore, even if those 2005 guidelines were in place in 2002 and 2003 when these men were waterboarded 83 and 183 times, that would not prove your case, because we know AZ's and KSM's torturers **didn't follow the rules**.

The IG Report noted that in some cases **the waterboard was used with far greater frequency** than initially indicated, see IG Report at 5, 44, 46, 103-04, and also that it was used in a different manner. See id. at 37 ("**[T]he waterboard technique ... was different from the technique described in the DoJ opinion and used in the SERE training. The difference was the manner in which the detainee's breathing was obstructed. At the SERE school and in the DoJ opinion, the subject's airflow is disrupted by the firm application of a damp cloth over the air passages; the interrogator applies a small amount of water to the cloth in a controlled manner. By contrast, the Agency Interrogator ... applied large volumes of water to a cloth that covered the detainee's mouth and nose. One of the** psychologists/interrogators acknowledged that the Agency's use of the technique is different from that used in SERE training because it is "for real—and is more poignant and convincing.") [my emphasis]

Whatever the rules were—20 minutes, 12 sessions, 40 seconds—it doesn't matter. Both in terms of the frequency guidelines and amount of water

(and some other important physical limits), the torturers broke the "strict rules" you've got such confidence in.

'Riting

Next, two writing lessons.

First, when writing online, it is generally considered good form to include links. Because when you include links, your readers will be able to figure out if you pull cute tricks like use rules written in 2005 to defend practices that happened in 2002 and 2003. Who knows? Your readers might even rescue you from your confusion!!

Next, a lesson in putting words in your interlocutor's mouths. See this sentence?

How many times have you read and heard in the mainstream media that terrorists were waterboarded more than 180 times?

Now, see this one, where you pretend to refute the first one?

According to two sources, both of them very well-informed and reliable (but preferring to remain anonymous), the 180-plus times refers not to sessions of waterboarding, but to "pours" – that is, to instances of water being poured on the subject.

See what's missing in the first sentence that appears in your oh-so-clever second sentence? The words "session" and "pour." You see, no one—as far as I know—really cares whether the 183 number means six times a day some torturer hauled KSM out of his cell and strapped him onto the waterboard for 40 seconds or whether the torturer just turned a stream of water off and on over KSM's mouth like he was watering daisies. The "session" versus "pour" distinction is pretty pointless to most of us. But you see, most of us also happen to think the notion of forcing someone to go through controlled

drowning 183 times in a month—whether or not they were brought back to their cell in between—is still barbarous and sick.

So when writing, you should try to avoid claiming your interlocutors said something they didn't.

'Rithmetic

Okay, math. Let's take the rules that you find so reasonable (there's some more room to fudge in the rules as written in the 2005 memos, if they're treated not as strict rules, but for simplicity sake, we'll use yours) and calculate how many times they allow someone to be waterboarded ("pours," if you will) in a month. First, here's how the May 30, 2005 memo described the number of times Khalid Sheikh Mohammed was waterboarded.

The CIA used the waterboard ... 183 times during March 2003 in the interrogation of KSM.

So, 183 times in March 2003.

You say,

Waterboarding interrogation sessions were permitted on no more than five days within any 30-day period.

The spirit of this restriction might allow you waterboarding sessions on only 5 days in March 2003, but since March has 31 days, let's, for the sake of thoroughness, say you're allowed waterboarding sessions on six days, including both March 1 and March 31 among them. So during March 2003, according to the rules you find reasonable, KSM could have been waterboarded on six different days.

Next, you say,

No more than two sessions were permitted in any 24-hour period.

So on each of the six days in March you're waterboarding KSM, you can have two separate waterboarding sessions. $6 \times 2 = 12$. So you can waterboard KSM in March 2003 on 12 waterboarding sessions, total.

Finally, you say,

There could be at most six pours of water lasting ten seconds or longer – and never longer than 40 seconds – during any individual session.

So in each of those 12 sessions, you could only pour (assuming each one lasts at least 10 seconds, though I anticipate you'll soon be making distinctions between "sessions," "pours," and "drips," the latter being pours that got counted but never got a good 10 second stream of water going) a total of 6 times. $12 \times 6 = 72$.

According to the rules you find so eminently reasonable, the maximum number of times KSM should have been waterboarded ("pours") in March 2003—or AZ should have been waterboarded in August 2002—was 72.

But wait a second! We know that Abu Zubaydah, even at 83 waterboards in a month, significantly exceeds your reasonable number. And KSM? Two and half times the limit!!

You see, once you learn your 3 Rs (Reading, 'Riting, 'Rithmetic) then you realize that even according to rules you find as eminently reasonable—but that many of the rest of us find barbarous and chilling in their false exactitude—even according to the rules, they went far, far beyond the limits.