

# 2005 STORY: CHERTOFF OPPOSED TECHNIQUE THREATENING IMMINENT DEATH

I've been poking DOJ's version of the events leading up to the Bybee Memo and hope to elaborate on that at a further time. But for now, I want to point to this 2005 article, apparently attempting to scuttle Michael Chertoff's nomination to be Secretary of Homeland Security by raising his role in approving torture (there are a couple of versions of this article, so if you're having problems seeing what I'm looking at try this post). The article clearly states that Chertoff opposed the approval of a technique that involved the threat of immediate death.

But in other instances Mr. Chertoff opposed some aggressive procedures outright, the officials said. At one point, they said, he raised serious objections to methods that he concluded would clearly violate the torture law. While the details remain classified, **one method that he opposed appeared to violate a ban in the law against using a "threat of imminent death."** [my emphasis]

We now know, of course, that CIA was trying to get mock burial approved.

This revelation is interesting because it confirms what the documentary evidence suggests: that Chertoff was one, if not the major, source of trouble for David Addington's plan to green light torture. And given the story's report that Chertoff approved waterboarding even while he opposed what was probably mock burial, it suggests that the problem was not necessarily Chertoff's squeamishness, but rather Ali

Soufan's reaction, when the torturers first threatened to use mock burial in May 2002, that it was torture. Furthermore, all of this accords with the work I've done on the role of the July 13 memo, which shows that CIA had an "issue arise" in response to which they got John Yoo write a memo excusing things like death threats (but also disruption of the senses) by invoking expert advice.

The story is interesting for other reasons, including its fairly early reference to SERE's role in the torture techniques.

Many of the interrogation techniques in the C.I.A.'s list were adopted from the Air Force's Survival, Evasion, Rescue, and Escape training program.

But for the moment, I'm just noting it because it does seem to confirm the narrative we're seeing in the documentary evidence.