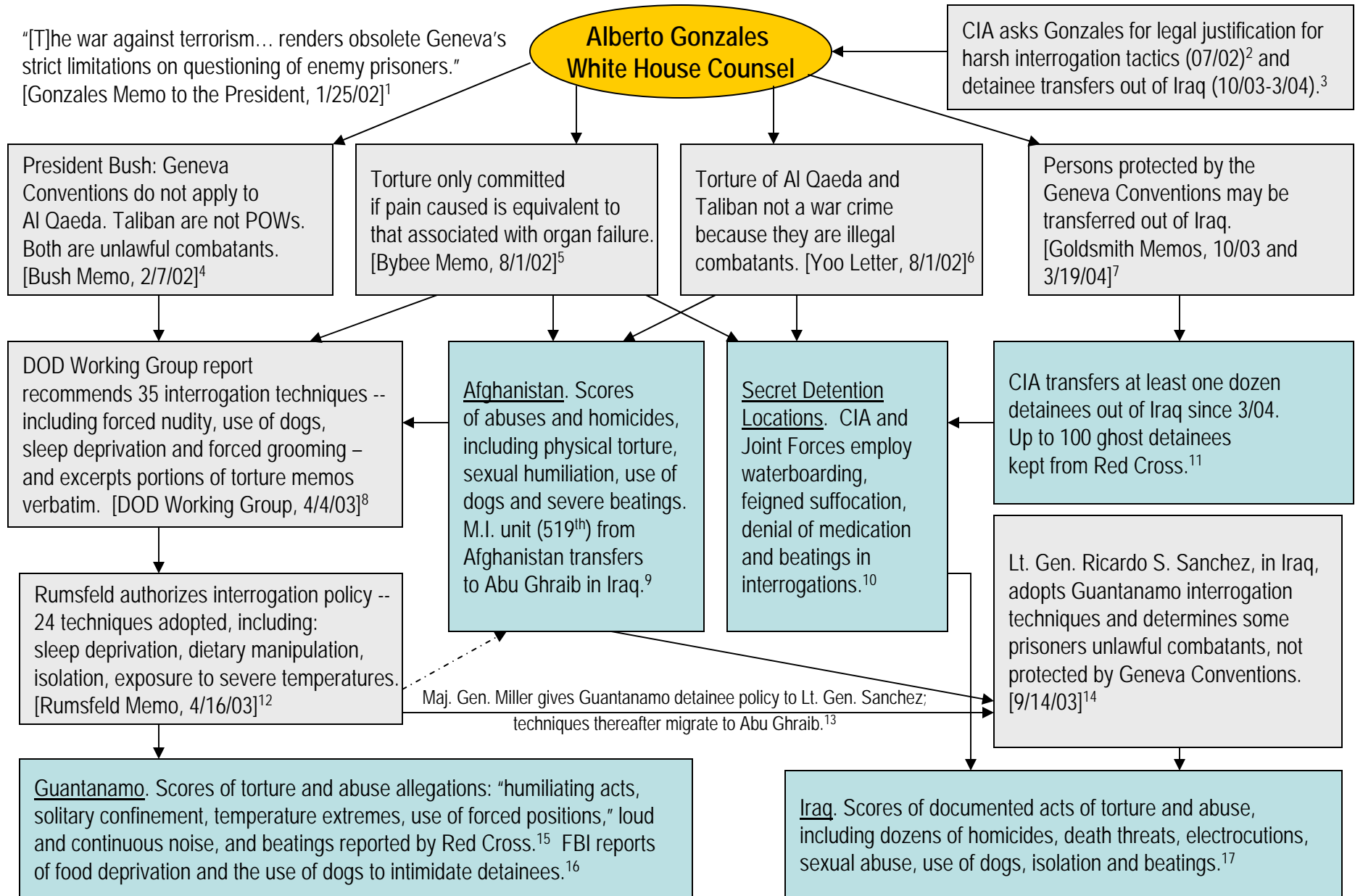


ROLE OF ALBERTO GONZALES IN SETTING TORTURE POLICY



ROLE OF ALBERTO GONZALES IN SETTING TORTURE POLICY ENDNOTES

1. Memorandum of Alberto Gonzales, White House General Counsel to President George W. Bush, *Re: Decision Re Application of the Geneva Convention on Prisoners of War to the Conflict with al Qaeda and the Taliban* (January 25, 2002).
2. Michael Isikoff, Daniel Klaidman and Michael Hirsh, "Torture's Path," *NEWSWEEK*, Dec. 27, 2004, at 54; Michael Hirsh, John Barry and Daniel Klaidman, "A Tortured Debate," *NEWSWEEK*, June 21, 2004; David Johnston and James Risen, "Aides Say Memo backed Coercion Already in Use," *N.Y. TIMES*, June 26, at A1; Dana Priest, "CIA Puts Harsh Tactics on Hold," *WASH. POST*, June 27, 2004, at A1.
3. Dana Priest, "Memo Lets CIA Take Detainees Out of Iraq," *WASH. POST*, Oct. 24, 2004, at A1. Despite the Goldsmith memorandum's distribution in "draft" form, one intelligence official described the memorandum as a "green light" for the CIA's removing people from Iraq. *Id.* Government officials have acknowledged at least a dozen detainees were transferred out of Iraq on the strength of these legal opinions. Douglas Jehl, "U.S. Action Bars Rights of Some Captured in Iraq," *N.Y. TIMES*, Oct. 25, 2004, at A1.
4. Memorandum of President George W. Bush, *Re: Humane Treatment of al Qaeda and Taliban Detainees* (February 7, 2002).
5. Memorandum for Alberto R. Gonzales, Counsel to the President, from: Jay S. Bybee, Assistant Attorney General, Office of Legal Counsel, *Re: Standards of Conduct for Interrogation under 18 U.S.C. §§ 2340-2340A* (August 1, 2002).
6. Letter to Alberto R. Gonzales, Counsel to the President, from: John C. Yoo, Deputy Assistant Attorney General, Office of Legal Counsel (August 1, 2002), 5-6.
7. Memo to CIA General Counsel Scott Muller, et al from Jack L. Goldsmith III, Assistant Attorney General, *Re: Permissibility of Relocating Certain "Protected Persons" from Occupied Iraq*, (March 19, 2004); Dana Priest, "Memo Lets CIA Take Detainees Out of Iraq," *WASH. POST*, Oct. 24, 2004, at A1.
8. Working Group Report on Detainee Interrogations in the Global War on Terrorism: Assessment of Legal, Historical, Policy, and Operational Considerations (April 4, 2003); FINAL REPORT OF THE INDEP. PANEL TO REVIEW DOD DETENTION OPERATIONS, August 2004, at 33-37 (discussing the interrogation policy promulgation process).
9. *See* DEP.T OF THE ARMY, THE INSPECTOR GEN., DETAINEE OPERATIONS INSPECTION, July 21, 2004; FINAL REPORT OF THE INDEP. PANEL TO REVIEW DOD DETENTION OPERATIONS, August 2004, Dana Priest and Joe Stephens, "Secret World of US Interrogation," *WASH. POST*, May 11, 2004; *see also* Douglas Jehl, Stephen Lee Myers and Eric Schmitt, "Abuse of Captives More Widespread, Says Army Survey," *N.Y. TIMES*, May 26, 2004 (reporting that Dilawar had been subjected to "blunt force injuries to lower extremities"); Thom Shanker, "28 Soldiers Tied to 2 Afghan Deaths," *INT'L HERALD TRIB.*, October 15, 2004 (reporting that Dilawar and Habibullah had been beaten by multiple soldiers); Carlotta Gall and David Rhode, "New Charges Raise Questions on Abuse at Afghan Prisons," *N.Y. TIMES*, September 17, 2004 (reporting that according to Schlesinger, Afghan techniques included "removal of clothing, isolating people for long periods, use of stress positions, exploiting fear of dogs, and sleep, and light deprivation"); Dana Priest and Barton Gellman, "U.S. Decries Abuse But Defends Interrogations," *WASH. POST*, December 26, 2002, at A1 (reporting that uncooperative detainees at Bagram "are sometimes kept standing or kneeling for hours in black hoods or spray-painted goggles", at times held in awkward, painful positions and deprived of sleep with a 24-hour bombardment of lights); *See* Elise Ackerman, "Probe Links Afghan, Iraq Abuse," *MYRTLE BEACH SUN NEWS*, August 21, 2004; Barbara Starr, "Probe of Afghan Death Names 28 U.S. Soldiers," *CNN.com*, October 14, 2004, available at <http://www.cnn.com/2004/WORLD/asiapcf/10/14/afghan.probe/> (accessed Jan. 3, 2005).
10. Michael Hirsh, John Barry and Daniel Klaidman, "A Tortured Debate," *NEWSWEEK*, June 21, 2004; David Johnston and James Risen, "Aides Say Memo backed Coercion Already in Use," *N.Y. TIMES*, June 26, at A1; Dana Priest, "CIA Puts Harsh Tactics on Hold," *WASH. POST*, June 27, 2004, at A1; Toni Locy and John Diamond, "Memo Lists Acceptable 'Aggressive' Interrogation Methods," *USA Today*, June 28, 2004; Dana Priest, "Memo Lets CIA Take Detainees Out of Iraq," *WASH. POST*, Oct. 24, 2004, at A1; *see also* Human Rights First, *Ending Secret Detentions*, June 2004, available at http://humanrightsfirst.org/us_law/PDF/EndingSecretDetentions_web.pdf (accessed Jan. 3, 2005).

11. Douglas Jehl, "U.S. Action Bars Rights of Some Captured in Iraq," N.Y. Times, Oct. 25, 2004, at A1; Guy Taylor, "'Ghost Detainees' Number Up to 100," WASH. TIMES, Sept. 10, 2004, at A1 (discussing Army Gen. Paul Kern's testimony before Senate Armed Services Committee hearing regarding abuse and torture committed by U.S. personnel).
12. DOD Memorandum for the Commander, US Southern Command: Counter-Resistance Techniques in the War on Terrorism (April 16, 2003); FINAL REPORT OF THE INDEP. PANEL TO REVIEW DOD DETENTION OPERATIONS, August 2004, at 33-37 (discussing the interrogation policy promulgation process).
13. FINAL REPORT OF THE INDEP. PANEL TO REVIEW DOD DETENTION OPERATIONS, August 2004, at 9, 37.
14. FINAL REPORT OF THE INDEP. PANEL TO REVIEW DOD DETENTION OPERATIONS, August 2004, 14, 36-38, 68; Lt. Gen. Anthony R. Jones and Maj. Gen. George R. Fay, AR 15-6 INVESTIGATION OF INTELLIGENCE ACTIVITIES AT ABU GHRAIB, August 25, 2004.
15. Josh White and John Mintz, "Red Cross Cites 'Inhumane' Treatment at Guantanamo," WASH. POST, Dec. 1, 2004, at A10; Neil A. Lewis, "Red Cross Finds Detainee Abuse in Guantanamo," N.Y. TIMES, Nov. 30, 2004.
16. The ACLU has obtained hundreds of documents detailing various accounts of abuse, reported by U.S. personnel, including F.B.I. agents and military officials. *See, e.g.*, E-mail from Valerie E. Caproni (F.B.I.) (Aug. 16, 2004) (describing a detainee wrapped in an Israeli flag and bombarded with loud music and strobe lights), *available at* http://www.aclu.org/torturefoia/released/FBI.121504.4737_4738.pdf (accessed Jan. 3, 2005); E-mail to Valerie E. Caproni (F.B.I.) (Aug. 2, 2004) (describing detainees shackled in fetal position, denied food and water, subjected to extreme temperatures; detainees defecating and urinating on themselves; one detainee was found half-unconscious and had pulled out his hair throughout the night), *available at* <http://www.aclu.org/torturefoia/released/FBI.121504.5053.pdf> (accessed Jan. 3, 2005). *See also* Neil A. Lewis, "Fresh Details Emerge on Harsh methods at Guantanamo," N.Y. TIMES, JAN. 1, 2005; Neil A. Lewis and David Johnston, "New F.B.I. Files Describe Abuse of Iraq Inmates," N.Y. TIMES, Dec. 21, 2004, at A1 (recounting July 2004 F.B.I. Agent report describing Guantanamo detainees chained to the floor for 18-24 hours or more without food or water, left to soil themselves, and others subjected to freezing temperatures, or temperatures "well over 100 degrees"); Neil A. Lewis, "F.B.I. Memos Criticized Practices at Guantanamo," N.Y. TIMES, Dec. 7, 2004, at A19 (reporting cases confirmed by Army and F.B.I. spokesmen in which a female interrogator squeezed one male detainee's genitals and bent back his thumbs; a prisoner was "gagged with duct tape that covered much of his head"; and a dog was used to intimidate a detainee).
17. *See* INT'L COMM. OF THE RED CROSS, REPORT ON THE TREATMENT BY COALITION FORCES OF PRISONERS OF WAR AND OTHER PROTECTED PERSONS BY THE GENEVA CONVENTIONS IN IRAQ DURING ARREST, INTERNMENT AND INTERROGATION, February 2004; Maj. Gen. Antonio Taguba, AR 15-6 INVESTIGATION OF THE 800TH MILITARY POLICE BRIGADE, February 2004; REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS, THE PRESENT SITUATION OF HUMAN RIGHTS IN IRAQ, June 9, 2004; DEP.T OF THE ARMY, THE INSPECTOR GEN., DETAINEE OPERATIONS INSPECTION, July 21, 2004; Lt. Gen. Anthony R. Jones and Maj. Gen. George R. Fay, AR 15-6 INVESTIGATION OF INTELLIGENCE ACTIVITIES AT ABU GHRAIB, August 25, 2004; FINAL REPORT OF THE INDEP. PANEL TO REVIEW DOD DETENTION OPERATIONS, August 2004; Barton Gellman and R. Jeffrey Smith, "Report to Defense Alleged Abuse by Prison Interrogation Teams," WASH. POST, Dec. 8, 2004, at A1 (recounting F.B.I. and Defense Intelligence Agency memos reporting beatings, forced nudity, isolation and the practice of keeping "ghost detainees"); Josh White, "U.S. Generals in Iraq Were Told of Abuse Early, Inquiry Finds," WASH. POST, Dec. 1, 2004, A1. *See also* American Civil Liberties Union, "Records Released in Response to Torture FOIA Request," *available at* <http://www.aclu.org/torturefoia/released/> (accessed Jan. 3, 2005).