

THE
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By Ben Taub April 20, 2019



Efforts to shine light on government misconduct in places like Guantánamo Bay are not only a matter of moral reckoning; they are necessary to puncture conspiratorial narratives.

Photograph by Paolo Pellegrin / Magnum

On September 24, 2002, Mark Fallon boarded a military flight to Guantánamo Bay. In his role as the deputy commander of the detention camp's Criminal Investigation Task Force, Fallon had spent the previous months trying to prevent the military from adopting abusive interrogation practices. But he was being ignored by the commander of detention operations, and was often kept out of key meetings. Now, when Fallon heard that top lawyers for the George W. Bush Administration and the C.I.A. were planning to visit Guantánamo, "it set off screaming threat-warning alarms," he writes in his memoir, "Unjustifiable Means," which was heavily redacted before being published, in 2017. Fallon, who is an experienced interrogator, suspected that these lawyers would provide legal cover for

an array of torture techniques, including waterboarding, and he wanted to explain to them that these practices were originally designed by Communist forces during the Korean War to elicit false confessions for propaganda purposes. Barely a year after 9/11, Fallon recalls, he was already “developing a new rule of thumb for the war on terror: where lawyers go, bad things follow.”

The next day, when the delegation arrived, Fallon tried to accompany the lawyers on a tour of the facilities. But he wasn't allowed on the bus; one of the commander's assistants instructed him to return to his office and wait for them to come by after the tour. Ninety minutes later, when Fallon checked in with the commander's office, he learned that the lawyers were already on their way back to Washington, D.C. “I was incredulous,” he writes. Unable to confront the lawyers in person, he and others in his unit sought to document everything and to challenge the military through official channels.

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From the Issue: “Guantánamo's Darkest Secret.”

On October 2nd, Fallon sent a member of his legal team to take notes during a meeting in which a senior C.I.A. lawyer apparently briefed military lawyers and psychologists on torture techniques and loopholes in international law. Later that month, when Fallon received the meeting minutes, he forwarded them in an e-mail to his unit's chief legal counsel, noting that the discussion “looks like the kinds of stuff Congressional hearings are made of,” and would “shock the conscience of any legal body.” He added, “Someone needs to be considering how history will look back at this.”

It is due to the efforts of women and men like Fallon, who documented secret shifts in American policy from inside the government, that history has been able to look back at the workings of the war on terror at all. Last summer, when I began working on a profile of the unlikely friendship between Mohamedou Salahi, a former Guantánamo detainee, and Steve Wood, one of his guards, which was published in this week's magazine, I pored through dozens of testimonies and books by investigators, interrogators, C.I.A. officers, military-police and intelligence officers, government lawyers, and psychologists—and the published results of government inquiries, such as the 2008 Senate Armed Services Committee report on the treatment of detainees in U.S. custody. But no less useful were the accounts of the

men and women who ended up under scrutiny for their practices and behavior—people who, after 9/11, operated within moral and legal gray areas, like James Mitchell, the C.I.A. contract psychologist who devised the agency’s enhanced-interrogation program. In his memoir, “Enhanced Interrogation,” Mitchell makes a compelling case that, in a small number of extremely abusive interrogations—overseen by doctors, lawyers, and Mitchell himself—he achieved what he describes as “Pavlovian conditioning” in humans. In seeking to rebut the pervading narrative—from press accounts and a 2014 Senate inquiry—that his program was equally feckless and evil, Mitchell defends it mainly against the former accusation, and inadvertently reveals a methodology that fits the U.S. government’s own definition of nonconsensual “human subjects research,” the official term for human experimentation. The year after Mitchell published his memoir, it was cited in a lengthy report by Physicians for Human Rights, which argues that the interrogation program represented “one of the gravest breaches of medical ethics” since the Nazi medical experiments during the Second World War.

These documents—along with contemporaneous reports and books by investigative journalists, academics, lawyers, and human-rights advocates—make up an evolving draft of post-9/11 history. With each passing year, more details surface in memoirs, lawsuits, and military commissions, and the historical record comes into sharper focus. Millions of pages have come to light, and millions more remain classified. But, seventeen years into the war on terror, a core, uncomfortable fact remains: people on the receiving end of classified security programs—from drone strikes to renditions and interrogations—become aware of the outlines of secret U.S. national-security laws and practices long before American citizens have any clarity or say about what is being done in their name.

Efforts to shine light on government misconduct are not only a matter of moral reckoning, or of learning from past mistakes; they are necessary to puncture conspiratorial narratives that circulate in parts of the world that our government hardly understands, and which hardly understand the West. In recent years, working in the Middle East and Africa, I have routinely come into contact with people who cite the U.S.’s incredible resources as evidence that every action taken by our government must be deliberate—that even its greatest blunders are, in fact, leading toward some secretly desired outcome. (A common example is that, because ISIS held so much territory for so long, it must have somehow served U.S. interests.) The only antidote is truth, however ugly or embarrassing. And out of the existence of so

vast a public record comes the hope that those who have grown up during the war on terror will revisit how we got here.

To that end, below is a list of books and reports that informed my piece. They represent a wide array of conflicting views, all of which are useful.

Accounts by Former Guantánamo Detainees

“Guantánamo Diary,” by Mohamedou Slahi with Larry Siems

“Witnesses of the Unseen: Seven Years in Guantánamo,” by Lakhdar Boumediene and Mustafa Ait Idir

VIDEO FROM THE NEW YORKER

How To Write A New Yorker Cartoon Caption: Zach Galifianakis & Zoe Saldana Edition

“Enemy Combatant: My Imprisonment at Guantanamo, Bagram, and Kandahar,”
by Moazzam Begg

Accounts by Former Guantánamo Personnel

“Unjustifiable Means: The Inside Story of How the CIA, Pentagon, and US Government Conspired to Torture,” by Mark Fallon