



# Torture Team: Rumsfeld's Memo and the Betrayal of American Values

*Philippe Sands*

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On December 2, 2002 the U.S. Secretary of Defense, Donald Rumsfeld, signed his name at the bottom of a document that listed eighteen techniques of interrogation--techniques that defied international definitions of torture. The Rumsfeld Memo authorized the controversial interrogation practices that later migrated to Guantanamo, Afghanistan, Abu Ghraib and elsewhere, as part of the policy of extraordinary rendition. From a behind-the-scenes vantage point, Phillippe Sands investigates how the Rumsfeld Memo set the stage for a divergence from the Geneva Convention and the Torture Convention and holds the individual gatekeepers in the Bush administration accountable for their failure to safeguard international law.

*The Torture Team* delves deep into the Bush administration to reveal:

- How the policy of abuse originated with Donald Rumsfeld, Dick Cheney and George W. Bush, and was promoted by their most senior lawyers
- Personal accounts, through interview, of those most closely involved in the decisions
- How the Joint Chiefs and normal military decision-making processes were circumvented
- How Fox TV's *24* contributed to torture planning
- How interrogation techniques were approved for use
- How the new techniques were used on Mohammed Al Qahtani, alleged to be "the 20th hijacker"
- How the senior lawyers who crafted the policy of abuse exposed themselves to the risk of war crimes charges

## **Torture Team: Rumsfeld's Memo and the Betrayal of American Values Details**

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# From Reader Review Torture Team: Rumsfeld's Memo and the Betrayal of American Values for online ebook

## Patty says

A detailed and moving investigation of the steps that led the Bush administration from upholding the Geneva convention and universal human rights to condoning the inhumane treatment of Guantanamo detainees. Along the way, Sands provides many historical details as well as medical, legal and other definitions of torture. I found this to be as balanced as any discussion of torture could be, and was left wondering how these people have yet managed not to be tried as war criminals.

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## Elaha Naderi says

content-wise: interesting, liked how much of the authors personality came through, liked his work. a bit hard for me to keep up with dates as I'm not good with these things, and to keep the bigger picture in mind, so it's only out of personal failure that this doesn't get a higher rating (for now). Aim to re-read. Starting point for dissertation

very, very interesting ideas actually, and I liked the scientific backing up of ideas by at least 2 indep. sources. learnt something about being a barrister/a barrister's way of thinking, and about US politics/arguments. Liked how some of these things were made more accessible, and also how he referred back to the 'Nürnberg Prozesse'

should have summarised the book just after i read it. some of the features very useful (diagrams).

Want to read more by same author. Will edit this review after reading it again

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## Jenna (Falling Letters) says

**Originally posted 23 July 2014 on Falling Letters.**

In *Torture Team*, Sands explores "the role of lawyers who are required to give legal opinions on sensitive political matters, and asks what responsibility they bear". He does this by focusing on the 'enhanced interrogative techniques' approved and used on Guantanamo detainee Mohammed al-Qahtani. I did not think I would review this book. It took me a long time to read, due to the high level of detail and wide cast of characters with titles and relationships that took some effort to keep track. My understanding of the American political system and the intersecting branches of the CIA, FBI, army, navy, etc. is limited so at times I found it tiring to try to keep track of how everyone related to each other. Thankfully Sands includes a list of "principal characters and the positions they held during 2002".

The bulk of this book consists of in-depth interviews with most major players in the decision-making process (then President Bush and Vice President Cheney excluded). I had not expected to find conversations between Sands and the villains of the book. I expected such people would not grant interviews to be published in a book condemning their actions. The inclusions of such interviews makes this a revealing read. I also like that Sands includes his own perspective to temper the wealth of interviews. He documents the ease or difficulty of securing an interview, and the interactions that arise from his interviews, thus giving a sense of each person as just that - a person, not just a player for the 'torture team'.

John Yoo had declined my invitation to discuss the Alstotter case but I had a slightly more willing response from Doug Feith, although our conversation was far from easy. It had the great merit, however, of teasing out the main issues " (228)

The chapter goes on to document the banter between Feith and Sands, with Sands concluding "Doug Feith went some way in persuading me that the Alstotter case wasn't exactly comparable and that further inquiry would cause offence in some quarters at least" (232). Sands writes with personal investment and doesn't just fall back on relaying "he said, she did". This makes the book easier to swallow as I think it would have been very dry without these touches.

Sands takes an odd turn towards the end of the book in his attempt to draw parallels between the White House lawyers and Nazi lawyers. Sands concludes, "What happened in Washington in 2002 bore no comparison with what had occurred sixty years earlier in Nuremberg" (245), but he immediately follows this with a sentences beginning "Yet it wasn't quite that simple...". Although I agree with Sands' argument that the White House lawyers acted far beyond their bounds, I don't think its appropriate to compare to them to Nazi lawyers. This side-track does not add anything to the book. I would have preferred to read more about the connections (or lack-thereof) between torture at Guantanamo and Abu Ghraib, as Sands occasionally mentions a connection but does not flesh it out. He writes in the conclusion, "At the very least, however, it is clear that the pictures of abuse that emerged from Abu Ghraib would have been less likely without the Haynes memo and the culture of ill-considered aggression it embraced" but I'm not sure how this is 'clear'.

Also alluded to throughout the book is the process of revelation, or declassification, or investigation, of al-Qahtani's treatment - I wasn't too sure because Sands never explains clearly. He writes like the public knowledge of what happened was something I should already know about (I think the book was published shortly after everything came to light). Perhaps Americans know all about the case but I did not, so I would have appreciate more context regarding what was publicly known and what was investigated.

While preparing this review, I came across a cover that said 'includes new material'. I couldn't find specific information on an updated edition, but maybe one does exist?

**The Bottom Line:** An extremely in-depth exploration of the role of lawyers in how the torture of Guantanamo detainee Mohammed al-Qahtani came to be permitted, but Sands tempers the information overload by portraying the persons involved as real people rather than mere information sources.

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## Ed says

A bit overly detailed, as the author recounts how the civilian leadership of the Rumsfeld/Bush defense department first authorized torturing captives at Guantanamo and then attempted to back away from responsibility for giving the orders. Sands shows how the orders themselves were greater violations of the Geneva Convention, the precedents of the Nuremburg trails and the U.N. Convention against Torture than were the activities of the interrogators at the prison.

He recounts every meeting, memo and order that led up to the decision to abandon the rule of law but the thrust of the book often gets bogged down in Sands' need to discuss every decision made by anyone with possible culpability.

An important book and the product of tireless research driven by a strong moral view of right and wrong.

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### **Carst van der Molen says**

Surprisingly gripping. Sands is very good at making a compelling narrative out of the actions of US government lawyers which paved the way for torture in Guantanamo, and arguably, Abu Ghraib. Must read.

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### **Sarah says**

Ohhhh this book mad me so mad. I think it's safe to say we all know Rumsfeld and Bush screwed up, but this book goes in depth about all sorts of things they did behind our backs. Every time I picked this book up to read it I was in an instant debate/angry mood.

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### **Beth639 says**

Eye-opening and disturbing. I heard Doug Feith talk after reading this. He explains it all away as "you had to be there to understand the pressure we were under" all the while showing a slide show of him with important people to impress us.

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### **Lawrence says**

A remarkable synthesis of legal scholarship and investigative reporting by a British international lawyer that lays out the origins of the Bush Administration's infamous torture memos and makes the case that senior officials and lawyers in the US Government are parties to the commission of war crimes under the Geneva Conventions. Insightful, dispassionate and based on unprecedented access to key players throughout the entire chain of command, Phillippe Sands' book is essential to understanding the horrors, disgrace and implications of 'Gitmo' and Abu Ghraib. Sands' disposition of the facts and reasoned analysis lays the foundation for the potential prosecution of Bush, Cheney and Rumsfeld, as well as their senior lawyers and officials, including Alberto Gonzales, Douglas Feith, William Hayes, David Addington, John Yoo and Jay Bybee. A critically important work, not only for policymakers, legislators, lawyers and scholars, but for anyone interested in the restoration of American values of rights, freedoms and the rule of law in the pending post-Bush world.

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### **Emily Flynn says**

This is soooo good. I usually hate name game books about political anything because I have such a hard time keeping up, but this is really really interesting. For a lawyer, Sands is completely readable without trying to prose it up too much or keep his recounting parched and distanced. I admire his objectiveness regarding certain questions and his methodology makes it so that you're not coming into this pointing fingers all over the place. Obv., if you pick this u, you're brining some heuristics with you and most likely some bias, but he quells the urge to \*tisk tisk\* everyone involved.

I'm almost done this and I feel as though my mind was made up parallel to his train of thought. It will be interesting to see where the issues he brings up go with the closing of Guantanamo...

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## **Raewyn Honeycutt says**

Sands interviewed many senior personnel in the US government. Military, Judges, Senior Lawyers and the middle men and women involved in the manipulation to subvert Article 3 of the Geneva Conventions which states "No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind."

Sands shows that when people become passionate or pressured into extracting information in the effort to secure a nation under a further terrorist attack, measures taken, which include re-drafting laws and essentially throwing out the old are taken into consideration.

What should be well known is that even if a torture technique (described as being aggressive interrogation technique in this book) is applied to a suspect to extract information, often the information is compromised or useless. Most people will say almost anything to make torture and humiliation stop.

In Sands book, he exposes the way lawyers worked their magic to pass new interrogation techniques through and how they were convincing enough for inexperienced interrogators to use on the Guantanamo detainees.

The book is more legal reading than general educational reading and I generally prefer the educational, but it is well structured and will give you an insight into how the system manipulates others in the system to do things they might not normally do.

The US government may not have brought back the 'rack', or 'pressed someone to death' to get a confession, but their techniques have been well planned out and layered in such a way that they create psychological anomalies and trauma that would otherwise not have been present. Instead of looking at "well he's a Muslim" - think of "what if I was subjected to such attacks on myself and I had no way to defend myself or recourse to make it stop?"

There used to be a saying: "Innocent until PROVEN guilty". But because someone is 'suspected' of terrorism, that no longer applies. Is this the justice system that is supposed to be fair? This is no justice for either people who genuinely fear for their lives, or for a suspect to have access to a legal trial and have their case fairly represented. In centuries passed, they had the Inquisition. It was horrendous reading. The techniques are not those used, but how long before it is deemed 'necessary' to do so? History repeats itself over and over.

Sands brings up a good point that other people who were trying to get the interrogation techniques stopped, also pointed out: If we're doing this to our detainees, what might happen to our troops and civilians when they are caught? Someone determined they would cut off our heads. But that is not always the case. Should we be as bad as 'them'. Or stop being bullies and start towing the line. The fear factory that has been created as a result of 9/11 has not made the US safer. It has in fact pushed civilian rights out the window - and they're disappearing into the wilderness.

Unlike some books, I did not find this was geared at attacking Republican views, but rather an examination of how erosion of international laws, that the US agreed on, came about.

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## Jonathan says

A measured but forceful book. Philippe Sands, an international law professor, is not shy about his own evaluation of the case; he argues that top Bush administration lawyers are vulnerable to prosecution for human rights crimes. But he makes his case pretty carefully. He weaves together the publicly available facts about the "torture memos," the record of the 54-day interrogation of Mohammed al-Qahtani, and the story of his own investigation of the matter. He interviewed key figures in the case -- including Douglas Feith and William Haynes, although Haynes placed the entirety of his interviews off the record. Their subordinates and rivals were also sometimes eager to talk to Sands, looking for a chance to clear their own reputations.

Several things are clear from Sands' investigation. When civilians at the Pentagon put together their guidelines for rough interrogation in late 2002, they deliberately excluded the military's own uniformed lawyers as well as lawyers at the State Department from involvement. The Pentagon ignored the most common interpretations of both international and US law, exposing American personnel to criminal prosecution. It ignored the demands of the trained interrogators of the FBI and NCIS, who objected strongly to what they saw in Cuba. In approving its 18 harsh interrogation techniques, the Pentagon placed no limits on using them together or over extended periods of time -- a key omission. It claimed that abusive interrogation produced crucial intelligence, but so far there is no public evidence that this is the case, and expert interrogators at the FBI think that it is unlikely (in fact, they consider these methods counterproductive). It claimed that the harsh interrogation techniques originated on the ground at the Guantanamo prison, whereas Sands produces evidence that the Guantanamo interrogators and commanders were responding to strong pressure from above. And as Sands points out, the memos authorizing harsh interrogation at Guantanamo Bay could be interpreted as sanctioning many of the ugliest abuses that are known to have occurred at Abu Ghraib in Iraq.

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## Wendy says

This is not an easy book to read. It's a very detailed account of how aggressive new interrogation techniques came to be used on prisoners at Guantanamo and the chain of legal advice that led to those new interrogation techniques being deemed not to be torture. It shifts repeatedly from technical legal reasoning to presenting excerpts from interrogation law, with occasional digressions through the bureaucratic doublespeak of Bush administration officials trying to cover their asses. It's a fascinating look at how organizations that are supposed to have safeguards in place against the use of torture can be subverted, but bits of it will do your head in. (I didn't know whether to laugh or cry when Sands confirmed that, yes, the TV series *24* seems to have had a non-trivial influence on the interrogation techniques adopted.)

Being a lawyer who specializes in international law, Sands spends a lot of careful analysis on whether the interrogation techniques adopted by the Bush administration constituted torture or were in violation of the Geneva convention. While the ins and outs of legal reasoning are interesting, I might have preferred a book that focused more on the evidence of the complete lack of efficacy of these techniques. Because, sadly, I think that many Americans who need to be convinced that this kind of stuff is Not Okay wouldn't be terribly persuaded by technical arguments based on international law, but might be persuaded by the notion that it doesn't work.

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## **Jeff says**

Lost interest about 2/3 of the way through. Perhaps it's just not aging well in the age of Obama, perhaps it's just my stubbornly American worldview....or perhaps it's just too much info.

I might give this "current political" genre another shot, but for now, it's on to (mostly) Solzhenitsyn novels.

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## **Julie Capell says**

Fascinating and disturbing look at how quickly ages-old human rights traditions and even signed conventions can be tossed aside in the name of [insert current bogeyman here]. The case examined with perfect concision here is that of the alleged "20th hijacker" who was held at Guantanamo and tortured by US Army personnel for 50-odd days, ostensibly because he had information of urgent national security value (a supposed ticking-time-bomb-Jack-Bauer-must-save-the-world-scenario). The questions asked by the author as he interviews the US government employees who authorized the torture are important ones to the future of our nation and of the civilized world. What really constitutes torture? When is it okay to torture? Does torture work? What are the long-term consequences of any nation, and the US in particular, officially sanctioning torture? How did our system, in the space of a few months, allow a few political appointees to subvert national traditions prohibiting torture that go back to Abraham Lincoln? Can the lawyers who provided legal cover for these appointees be held as accomplices? Can any of these individuals be held for trial in another country for crimes against humanity? This book is a fascinating examination of an issue of international importance that would be of interest to anyone who has an interest in current events. For persons with particular interest in international human rights, such as those brought to bear on criminals like Augusto Pinochet or Slobodan Milosovic or Nazi officers, this book is a must-read.

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## **Rebecca Cohen says**

Very much a book for lawyers. A little too dense. But interesting how lawyers can and will ignore the law for policy objectives.

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