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A Not So Simple Case for Torture

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# ID 517: Special Topics in Art and Politics: A Not So Simple Case for Torture

A PROJECT BY STUDENTS AT CALARTS with  
NANCY BUCHANAN, SAM DURANT AND MARTHA ROSLER



U.S. Department of Justice

Office of Legal Counsel

Office of the Deputy Assistant Attorney General

Washington, D.C. 20530

August 1, 2002

The Honorable Alberto R. Gonzales  
Counsel to the President  
The White House  
Washington, D.C.

Dear Judge Gonzales:

You have requested the views of our Office concerning the legality, under international law, of interrogation methods to be used during the current war on terrorism. More specifically, you have asked whether interrogation methods used on captured al Qaeda operatives, which do not violate the prohibition on torture found in 18 U.S.C. § 2340-2340A, would either: a) violate our obligations under the Torture Convention,<sup>1</sup> or b) create the basis for a prosecution under the Rome Statute establishing the International Criminal Court (ICC).<sup>2</sup> We believe that interrogation methods that comply with § 2340 would not violate our international obligations under the Torture Convention, because of a specific understanding attached by the United States to its instrument of ratification. We also conclude that actions taken as part of the interrogation of al Qaeda operatives cannot fall within the jurisdiction of the ICC, although it would be impossible to control the actions of a rogue prosecutor or judge. This letter summarizes our views; a memorandum opinion will follow that will more fully explain our reasoning.

I.

Section 2340A makes it a criminal offense for any person "outside the United States [to] commit[] or attempt[] to commit torture."<sup>3</sup> The act of torture is defined as an:

<sup>1</sup> Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted Dec. 10, 1984, S. Treaty Doc. No. 100-20 (1988), 1465 U.N.T.S. 85 (entered into force June 26, 1987).

<sup>2</sup> U.N. Doc. A/CONF.183/9 (1998), reprinted in 37 I.L.M. 999 (1998) [hereinafter ICC Statute].

<sup>3</sup> If convicted of torture, a defendant faces a fine or up to twenty years' imprisonment or both. If, however, the act resulted in the victim's death, a defendant may be sentenced to life imprisonment or to death. See 18 U.S.C.A. § 2340A(a). Whether death results from the act also affects the applicable statute of limitations. Where death does not result, the statute of limitations is eight years; if death results, there is no statute of limitations. See 18 U.S.C.A. § 3286(b) (West Supp. 2002); *id.* § 2332b(1)(5)(B) (West Supp. 2002). Section 2340A as originally enacted did not provide for the death penalty as a punishment. See Omnibus Crime Bill, Pub. L. No. 103-322, Title VI, Section 60020, 108 Stat. 1979 (1994) (amending section 2340A to provide for the death penalty); H. R. Conf. Rep. No. 103-711, at 388 (1994) (noting that the act added the death penalty as a penalty for torture).

Most recently, the USA Patriot Act, Pub. L. No. 107-56, 115 Stat. 272 (2001), amended section 2340A to expressly codify the offense of conspiracy to commit torture. Congress enacted this amendment as part of a broader

act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control.

18 U.S.C.A. § 2340(1); *see id.* § 2340A. Thus, to convict a defendant of torture, the prosecution must establish that: (1) the torture occurred outside the United States; (2) the defendant acted under the color of law; (3) the victim was within the defendant's custody or physical control; (4) the defendant specifically intended to cause severe physical or mental pain or suffering; and (5) that the act inflicted severe physical or mental pain or suffering. *See also* S. Exec. Rep. No. 101-30, at 6 (1990) ("For an act to be 'torture,' it must . . . cause severe pain and suffering, and be intended to cause severe pain and suffering."). As we have explained elsewhere, in order to violate the statute a defendant must have specific intention to inflict severe pain or suffering – in other words, "the infliction of such pain must be the defendant's precise objective." *See* 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* at 3 (August 1, 2002).

Section 2340 further defines "severe mental pain or suffering" as:

the prolonged mental harm caused by or resulting from—

(A) the intentional infliction or threatened infliction of severe physical pain or suffering;

(B) the administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or the personality;

(C) the threat of imminent death; or

(D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality.

18 U.S.C. § 2340(2). As we have explained, in order to inflict severe mental or suffering, a defendant both must commit one of the four predicate acts, such as threatening imminent death, and intend to cause "prolonged mental harm."

## II.

You have asked whether interrogation methods used on al Qaeda operatives that comply with 18 U.S.C. §§ 2340-2340A nevertheless could violate the United States' obligations under the Torture Convention. The Torture Convention defines torture as:

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effort to ensure that individuals engaged in the planning of terrorist activities could be prosecuted irrespective of where the activities took place. *See* H. R. Rep. No. 107-236, at 70 (2001) (discussing the addition of "conspiracy" as a separate offense for a variety of "Federal terrorism offense[s]").

any act by which *severe* pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

Article 1(1) (emphasis added).

Despite the apparent differences in language between the Convention and § 2340, international law clearly could not hold the United States to an obligation different than that expressed in § 2340. When it acceded to the Convention, the United States attached to its instrument of ratification a clear understanding that defined torture in the exact terms used by § 2340. The first Bush administration submitted the following understanding of the treaty:

The United States understands that, in order to constitute torture, an act must be *specifically intended* to inflict severe physical or mental pain or suffering and that mental pain or suffering refers to prolonged mental pain caused by or resulting from (1) the intentional infliction or threatened infliction of severe physical pain or suffering; (2) administration or application, or threatened administration or application, of mind altering substances or other procedures calculated to disrupt profoundly the senses or the personality; (3) the threat of imminent death; or (4) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality.

S. Exec. Rep. No. 101-30, at 36. The Senate approved the Convention based on this understanding, and the United States included the understanding in its instrument of ratification.<sup>4</sup>

This understanding accomplished two things. First, it made crystal clear that the intent requirement for torture was specific intent. By its terms, the Torture Convention might be read to require only general intent although we believe the better argument is that that the Convention's use of the phrase "intentionally inflicted" also created a specific intent-type standard. Second, it added form and substance to the otherwise amorphous concept of *mental* pain or suffering. In so doing, this understanding ensured that mental torture would rise to a severity comparable to that required in the context of physical torture.

It is one of the core principles of international law that in treaty relations a nation is not bound without its consent. Under international law, a reservation made when ratifying a treaty validly alters or modifies the treaty obligation, subject to certain conditions that will be discussed below. Vienna Convention on the Law of Treaties, May 23, 1969, 1155 U.N.T.S. 331 (entered into force Jan. 27, 1980); 1 Restatement of the Law (Third) of the Foreign Relations Law of the

<sup>4</sup> *See* [http://www.un.org/Depts/Treaty/final/ts2/newfiles/part\\_boo/iv\\_boo/iv\\_9.html](http://www.un.org/Depts/Treaty/final/ts2/newfiles/part_boo/iv_boo/iv_9.html).



United States § 313 (1987).<sup>5</sup> The right to enter reservations applies to multilateral international agreements just as in the more familiar context of bilateral agreements. *Id.* Under international law, therefore, the United States thus is bound only by the text of the Torture Convention as modified by the first Bush administration's understanding.<sup>6</sup> As is obvious from its text, Congress codified the understanding almost verbatim when it enacted § 2340. The United States' obligation under the Torture Convention is thus identical to the standard set by § 2340. Conduct that does not violate the latter does not violate the former. Put another way, so long as the interrogation methods do not violate § 2340, they also do not violate our international obligations under the Torture Convention.

Although the Vienna Convention on Treaties recognizes several exceptions to the right to make reservations, none of them apply here.<sup>7</sup> First, a reservation is valid and effective unless it purports to defeat the object and purpose of the treaty. Vienna Convention, art. 19. Our initial research indicates that international law has provided little guidance regarding the meaning of the "object and purpose" test. Nonetheless, it is clear that here the United States had not defeated the object and purpose of the Torture Convention. The United States nowhere reserved the right to conduct torture; in fact, it enacted Section 2340 to expand the prohibition on torture in its domestic criminal law. Rather than defeat the object of the Torture Convention, the United States simply accepted its prohibition and attempted, through the Bush administration's understanding, to make clear the scope and meaning of the treaty's obligations.

Second, a treaty reservation will not be valid if the treaty itself prohibits states from taking reservations. The Torture Convention nowhere prohibits state parties from entering reservations. To be sure, two provisions of the Torture Convention – the competence of the Committee Against Torture, art. 28, and the mandatory jurisdiction of the International Court of Justice, art. 30 – specifically note that nations may take reservations from their terms. Nonetheless, the Convention contains no provision that explicitly attempts to preclude states from exercising their basic right under international law to enter reservations to other provisions. Without such a provision, we do not believe that the Torture Convention precludes reservations.

Third, in regard to multilateral agreements, a treaty reservation may not be valid if it is objected to in a timely manner by other states. Vienna Convention art. 20. If another state does not object within a certain period of time, it is deemed to have acquiesced in the reservation. Even if, however, another nation objects, that only means that the provision of the treaty to which the reservation applies is not in force between the two nations – unless the objecting nation opposes entry into force of the treaty as a whole between the two nations. *Id.* art 21(3). Here, no nation appears to have objected to the United States' further definition of torture. Only

<sup>5</sup> Although, under domestic law, the Bush administration's definition of torture was categorized as an "understanding," it was deposited with the instrument of ratification as a condition of the United States' ratification, and so under international law we consider it to be a reservation if it indeed modifies the Torture Convention standard. See Restatement (Third) at § 313 cmt. g.

<sup>6</sup> Further, if we are correct in our suggestion that the Torture Convention itself creates a heightened intent standard, then the understanding attached by the Bush Administration is less a modification of the Convention's obligations and more of an explanation of how the United States would implement its somewhat ambiguous terms.

<sup>7</sup> It should be noted that the United States is not a signatory to the Vienna Convention, although it has said that it considers some of its provisions to be customary international law.

one nation, Germany appears to have commented on the United States' reservations, and even Germany did not oppose any U.S. reservation outright.

Thus, we conclude that the Bush administration's understanding created a valid and effective reservation to the Torture Convention. Even if it were otherwise, there is no international court to review the conduct of the United States under the Convention. In an additional reservation, the United States refused to accept the jurisdiction of the ICJ (which, in any event, could hear only a case brought by another state, not by an individual) to adjudicate cases under the Convention. Although the Convention creates a Committee to monitor compliance, it can only conduct studies and has no enforcement powers.

### III.

You have also asked whether interrogations of al Qaeda operatives could be subject to criminal investigation and prosecution by the ICC. We believe that the ICC cannot take action based on such interrogations.

First, as noted earlier, one of the most established principles of international law is that a state cannot be bound by treaties to which it has not consented. Although President Clinton signed the Rome Statute, the United States has withdrawn its signature from the agreement before submitting it to the Senate for advice and consent – effectively terminating it. The United States, therefore, cannot be bound by the provisions of the ICC Treaty nor can U.S. nationals be subject to ICC prosecution. We acknowledge, however, that the binding nature of the ICC treaty on non-parties is a complicated issue and do not attempt to definitively answer it here.

Second, even if the ICC could in some way act upon the United States and its citizens, interrogation of an al Qaeda operative could not constitute a crime under the Rome Statute. Even if certain interrogation methods being contemplated amounted to torture (and we have no facts that indicate that they would), the Rome Statute makes torture a crime subject to the ICC's jurisdiction in only two contexts. Under article 7 of the Rome Statute, torture may fall under the ICC's jurisdiction as a crime against humanity if it is committed as "part of a widespread and systematic attack directed against any civilian population." Here, however, the interrogation of al Qaeda operatives is not occurring as part of such an attack. The United States' campaign against al Qaeda is an attack on a non-state terrorist organization, not a civilian population. If anything, the interrogations are taking place to elicit information that could prevent attacks on civilian populations.

Under article 8 of the Rome statute, torture can fall within the ICC's jurisdiction as a war crime. In order to constitute a war crime, torture must be committed against "persons or property protected under the provisions of the relevant Geneva Conventions." Rome Statute, art. 8. On February 27, 2002, the President determined that neither members of the al Qaeda terrorist network nor Taliban soldiers were entitled to the legal status of prisoners of war under the Convention Relative to the Treatment of Prisoners of War, 6 U.S.T. 3517 ("GPW"). As we have explained elsewhere, members of al Qaeda cannot receive the protections accorded to POWs under GPW because al Qaeda is a non-state terrorist organization that has not signed the Conventions. Memorandum for Alberto R. Gonzales, Counsel to the President and William J.

Haynes, II, General Counsel, Department of Defense, from Jay S. Bybee, Assistant Attorney General, Office of Legal Counsel, *Re: Application of Treaties and Laws to al Qaeda and Taliban Detainees* at 8 (Jan. 22, 2002). The President has appropriately determined that al Qaeda members are not POWs under the GPW, but rather are illegal combatants, who are not entitled to the protections of any of the Geneva Conventions. Interrogation of al Qaeda members, therefore, cannot constitute a war crime because article 8 of the Rome Statute applies only to those protected by the Geneva Conventions.

We cannot guarantee, however, that the ICC would decline to investigate and prosecute interrogations of al Qaeda members. By the terms of the Rome Statute, the ICC is not checked by any other international body, not to mention any democratically-elected or accountable one. Indeed, recent events indicate that some nations even believe that the ICC is not subject to the authority of the United Nations Security Council. It is possible that an ICC official would ignore the clear limitations imposed by the Rome Statute, or at least disagree with the President's interpretation of GPW. Of course, the problem of the "rogue prosecutor" is not limited to questions about the interrogation of al Qaeda operatives, but is a potential risk for any number of actions that have been undertaken during the Afghanistan campaign, such as the collateral loss of civilian life in the bombing of legitimate military targets. Our Office can only provide the best reading of international law on the merits. We cannot predict the political actions of international institutions.

Please let us know if we can be of further assistance.

Sincerely,



John C. Yoo  
Deputy Assistant Attorney General

بالصوت الأصلي دون الاهتمام الأساسي بمشابهة صوت آخر.

قد يستطيع أحد الأشخاص التحدث

Ian Arenas

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(The opacity of language and the patency of a roadblock.)

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**4,000 march in Hollywood to protest war**

From Times Staff Writers  
9:37 PM PDT, March 17, 2007



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Anti-war protest in L.A.



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Anti-war protest in L.A.



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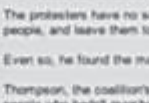


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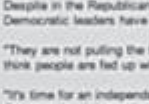


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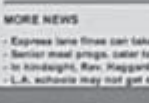


PHOTO GALLERY  
Anti-war protest in L.A.

Several thousand anti-war demonstrators began a march through Hollywood early Saturday afternoon, singing and hoisting anti-war signs to protest U.S. involvement in Iraq.

College students joined with gray-haired activists to chant "Stop the War" as the march started shortly before 1 p.m. at Hollywood Boulevard and Vine Street. Police estimated that about 4,000 marchers took part.

The march, marking the fourth anniversary of the U.S.-led invasion of Iraq, was organized the Act Now to Stop War and End Racism Coalition. It coincided with a similar march at the Pentagon and more than 200 other cities nationwide.

"People always see the anniversary of the war as something that causes emotions and anger," said Ian Thompson, the coalition's L.A. organization coordinator.

Robin Dominguez, 50, of Los Angeles, a volunteer with Veterans for Peace, kept watch over 40 imitation coffins draped with United States flags that marchers planned to carry along the parade route. She strongly opposes the war, she said.

"My heart hurts. It's crying. Every day, I feel like it's never going to end," she said. But along with some other marchers, she said she feels more hopeful than she did a year ago.

Christopher Armer, 51, a Los Angeles native, said he was heartened by the protest. He had two imitation caskets that he and several friends intended to carry on the 1.2-mile route to represent those killed in the war. "It's the visual that hits people in their guts," Armer said.

The protest — displaying a mix of straw hats, flags, dogs, signs and strollers — gave him hope, he said. "We were in the minority and now we are in the majority," he said.

Emery Martin, 22, a graduate student at New York University on his spring break, wore shorts, a T-shirt and a large black hood, an imitation of the those worn by Iraq prisoners.

Martin, whose uncle served with the U.S. Army in Panama and the two Iraq wars, bucked family tradition to take a stand against the conflict that he sees as morally wrong.

"A lot of young people are apathetic, which perpetuates what's going on and indirectly helps the government further their agenda," Martin said as he walked beneath the marquee of the Pantages Theater with a group of students from UCLA and the California Institute of the Arts. "When you are apathetic, you actually become part of the problem."

Some onlookers disagreed with the marchers' sentiments.

"The anniversary drew protesters to protest."

Dan Conkey, 58, a tourist from Columbus, Ohio, who calls himself a big supporter of President Bush, said he believes U.S. troops should leave Iraq "when the job is done."

The protesters have no solution to ending the war, he said. "How do they leave those people, and leave them to the insurgents?"

Even so, he found the march entertaining. "It's pretty typical Hollywood and Vine."

Thompson, the coalition's L.A. coordinator, said he expected many participants to be people who hadn't marched before, a reflection of the increase in public sentiment against the war.

Despite in the Republicans' loss of control of Congress in November, Thompson said, Democratic leaders have not responded to the antiwar sentiment.

"They are not pulling the troops out immediately. They're not de-funding the war, and I think people are fed up with that," he said.

"It's time for an independent voice that isn't falling either of these two parties in Congress but is speaking for the majority of people in this country."

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**Thousands protest in Hollywood**

By Rong-Gang Lin & Times Staff Writer  
March 18, 2007



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PHOTO GALLERY  
International anti-war protests

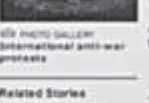


PHOTO GALLERY  
International anti-war protests

Actors and musicians joined thousands of demonstrators marching through Hollywood on Saturday afternoon, chanting slogans and hoisting signs to call for an immediate U.S. withdrawal from Iraq.

College students joined with gray-haired activists to chant "Stop the War" as the march started at Hollywood Boulevard and Vine Street. Police said 5,000 to 6,000 people took part, organizers estimated many more.

Organized by the L.A. branch of Act Now to Stop War and End Racism, the march marked the fourth anniversary of the U.S.-led invasion of Iraq.

"The war has been on people's minds, especially after the midterm elections, when antiwar sentiment swept the Republicans out of Congress," said Ian Thompson, a march coordinator.

But "the Democrats have done little, if anything at all, to respond to public sentiment," he said. "I think people are fed up with that."

Some marchers were optimistic. "We were in the minority, and now we are in the majority," said Christopher Armer, 51, a Los Angeles native.

For others, the march was a reminder that U.S. involvement in Iraq remains strong. "It's more and more frustrating," said Chris Quack, 39, of Long Beach.

And marcher Michael Sanchez, 50, of Montebello was upset that the turnout for the march wasn't larger.

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The protest had a Hollywood feel. Marchers snapped photos of a Glendale couple wearing grim reaper costumes—"I'm Bush, she's Cheney," said husband Norm Wheeler. Actress Athena Demos rose above the crowd on orange stilts, with 6-foot cloth wings. "I'm dressed like the dove of peace," she said.

Dan Conkey, 58, a tourist from Columbus, Ohio, who called himself a supporter of President Bush, marveled.

"It's kind of a freak show," said Conkey, wearing an orange shirt and shorts. "But it's kind of neat to see this on Hollywood and Vine. It's entertaining."

ron.lin@latimes.com

Times staff writers Charles Proctor and Ashley Surdin contributed to this report.

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*Wholes*

## **Protest Story**

The political context is ripe for protest. However, a person is advised to have a good sense of irony before engaging in the time-honored act of taking to the streets to express public opinion when the institutionally sanctioned processes for channeling citizen unrest (e.g. voting) are dysfunctional at best. There are plenty who say that protest doesn't work. We are living in too distracted a time. You are more likely to get stunned by a policeman with a "non-lethal" electroshock Taser gun than you are to change someone's mind. And forget about the media. If the corporate-owned papers haven't already fired their progressive journalists, they're pressuring them to follow party line and deliberately trimming any stories that would ruffle

feathers. But if protest really is dead, why is the Bush administration taking such pains to suppress it? (See Executive Order: Blocking Property of Certain Persons Who Threaten Stabilization Efforts in Iraq, signed by President George W. Bush on July 17, 2007. <http://www.whitehouse.gov/news/releases/2007/07/20070717-3.html>)

With these questions in mind, I gathered with classmates, teachers, and fellow artists at the March 17, 2007 anti-war protest in Hollywood, California to mark the 4<sup>th</sup> anniversary of the US-led invasion of Iraq. It was an unreasonably beautiful day on Hollywood Boulevard and the LAPD (Los Angeles Police Department) assigned to the protest were on bicycles—a sure sign of a calm and friendly proceeding ahead. I passed out about a dozen black hoods that I had sewn the evening before for a group of us to wear while marching. It was a silent gesture to acknowledge the dehumanizing process of arrest, detention, and torture of Iraqi citizens by American troops. In addition to putting hoods or bags over prisoners' heads, sensory deprivation goggles and earmuffs are used, as well as zip ties to bind the wrists, and interlocking cuffs at the ankles to lead the blind, deaf, and mute prisoners in a line.

As we were waiting for the march to get underway, a reporter from the *LA Times*, Charles Proctor, approached my (hooded) boyfriend, Emery Martin, to ask him to share his thoughts on why he was at the protest. Once the protest was underway, the hoods stood out in the sea of signs and loudspeakers. At the end of the march, Emery and I decided to stand together holding hands amidst the mock coffins draped in American flags that had been carried in procession by the Veterans for Peace. Immediately, photographers caught on to the opportunity to create an iconic opportunity and we stood at attention holding hands for about a half hour as people approached us with their cameras.

When we got home that evening, we checked online to see if photos were circulating yet. There were a few images from Reuters that had been posted on the *LA Indymedia* website. And on the *latimes.com* website, we found Emery quoted in an article:

“A lot of young people are apathetic, which perpetuates what’s going on and indirectly helps the government further their agenda,” Martin said as he walked beneath the marquee of the Pantages Theater with a group of students from UCLA and the California Institute of the Arts. “When you are apathetic, you actually become a part of the problem.”

In our excitement, we printed and saved screenshots of the article, and it was fortunate that we did. Upon buying a copy of the *Los Angeles Times* the next day, I was surprised to find that what had been a fairly thorough assessment of the day’s events—with a selection of quotes from activists, protest organizers, and onlookers—had been cut in half. Almost all of the quotes that described protest strategies and that expressed anger against the administration were gone, including Emery’s. In their place were quotes remarking about low protest turnout, disappointment with the new Democratic-majority legislature, and descriptions of outrageous costumes worn by protestors, including one woman wearing stilts who described herself as a “dove of peace.” The article ended with an extended quote from a Bush supporter who summed up the protest as a “Hollywood freak show.”

Charles Proctor, the young reporter who interviewed Emery, was our only potentially sympathetic link to understanding what decisions were made that led to the final print edition of the article about the protest. The *Los Angeles Times* publishes their writers’ e-mail addresses with their articles, so Emery was able to contact him directly. Once they were in contact, Charles said that according

to the paper's policy, readers were not allowed direct access to reporters to ask specific questions about views that were expressed in articles, or how subjects were covered by the newspaper. He gave Emery this information to explain why he would then have to refer him to the *Los Angeles Times*' Media Relations department, which serves as a buffer between the newspaper staff and its readership. He was in fact already breaching his duties to say as much.

I too must apologize that I cannot share the contents of the aforementioned article here. I had been planning to reproduce the two versions of the article (published online as "4,000 march in Hollywood to protest war" on March 17, 2007 and as "Thousands protest in Hollywood" on March 18, 2007) as my contribution to this book. I spoke on the phone this evening with a certain Kate McCarthy, Reprints Director for the *Los Angeles Times*. She explained to me that she would not grant permission to reprint the article before assessing the specific position in which the article would be presented, the exact wording that would accompany the article, and to first see a copy of the book. Furthermore, she expressed concern that the book would be distributed internationally.

So dear Reader, this is just a little story about what it takes these days to "see something and say something." See you at the next protest.

Audrey Chan

**ID 517: Special Topics in Art and Politics:  
A Not So Simple Case for Torture**

Sam Durant and Nancy Buchanan

This book is one result of a class we taught at the California Institute of the Arts in the Spring of 2007. We began discussing the idea of teaching a class together the prior year, to see how young artists would address the human rights abuses and illegal wars the U.S. Government was (and is) committing so openly and, thus far, with near impunity. As an initial focus, Nancy proposed that students up-date, re-make or somehow respond to Martha Rosler's prescient 1983 video tape, *A Simple Case for Torture, or How to Sleep at Night*. Martha Rosler generously agreed to join us as a visiting artist, and to discuss strategies for making political art today. *A Simple*



*Case for Torture* centers on Rosler's analysis of a *Newsweek* opinion essay written by Michael Levin, Philosophy Professor at City University of New York [i]. Levin's arguments in favor of torture would seem to stand morality on its head. To support his argument he employs the "what if" scenarios of the ticking time bomb and the kidnapped baby, hypothetical situations that virtually never happen in the real world [ii]. Rosler's tape unpacks the arguments and questions about torture and demonstrates that history repeats itself as deadly farce; the issues of fear and ends justifying means have returned in recent years like terrible boomerangs. As we researched the subject of human rights we saw arguments for torture virtually identical to Levin's [iii] being made almost daily in the mainstream media.

Like most people, we continue to be enraged by the Bush Administration's justifications and soft-pedaling of its behavior (including, despite repeated denials, torture); from the legal shenanigans of John Yoo [iv] to Donald Rumsfeld's so-called "torture lite" techniques [vii] employed at Abu Ghraib [viii]. Further, much of the justification for the administration's policy rests on redefining the status of detainees as enemy combatants so that they can be placed in a limbo-land wherein the laws of the Geneva Convention regarding Prisoners of War supposedly do not apply [ix].

As we complete this book for publication, President Bush has just announced a new edict clarifying CIA interrogation techniques [x]. While much of the mainstream media interpreted this as a limitation on the actions of the CIA,

this executive order yet again emphasizes the president's right to determine what constitutes torture, and still avoids enumerating exactly what interrogation techniques continue to be permitted. Even conservative commentator Bill O'Reilly asked: "But if the public doesn't know what torture is or is not, as defined by the Bush Administration, how can the public make a decision on whether your policy is right or wrong?" [xi] According to human rights experts, the CIA's so-called enhanced interrogation measures have included:

- Exposure to freezing temperatures for prolonged periods
- Water-boarding
- Stress positions for extended periods
- Extreme sensory deprivation and overload, such as loud music
- Shaking and striking
- Sleep deprivation
- Extended periods of isolation

Many of these cause permanent physical damage. [xii]

The Bush Administration's argument that it has not used torture rests simply on the assertion that the acts themselves did not result in death—although *The New York Times* reported on August 24, 2004, that "in November 2003, a detainee brought to [Abu Ghraib] by C.I.A. employees but never formally registered with military guards died at the site, and his body was removed after being wrapped in plastic and packed in ice."

In his *Atlantic Monthly* article, conservative commentator Andrew Sullivan provides a description of the effects of stress

positions:

The hands were tied together closely with a cord on the back of the prisoner, raised then the body and hung the cord to a hook, which was attached into two meters height in a tree, so that the feet in air hung. The whole body weight rested thus at the joints bent to the rear. The minimum period of hanging up was a half hour. To remain there three hours hung up, was pretty often. This punishment was carried out at least twice weekly. Dreadful pain in the shoulders and wrists were the results of this treatment. Only laboriously the lung could be supplied with the necessary oxygen. The heart worked in a racing speed. From all pores the sweat penetrated [xiii].

Sullivan was quoting the testimony of a former Dachau prisoner to make the point that such punishments are not casual, harmless methods, but were judged as war crimes.

During the course of our semester, events occurred that had a great effect on the class. 24, the Fox television show, made headlines [xiv]. 24 had been featuring torture with such regularity and in such glamorous detail—with suspiciously successful results—that it had apparently saturated the minds of our patriotic youth. So much so that senior U.S. military personnel had asked the show's producers to stop depicting torture on the show. Military Intelligence Units were apparently having trouble weaning recruits, influenced by 24, from the belief that torture was an acceptable and effective interrogation tactic. Another incident that spurred much discussion was far less visible in the mainstream media. Eight African-American former activists were charged in connection to the 1971 death of a San Francisco policeman. The “San Francisco Eight” were arrested based on confessions obtained through torture in

the early 1970's. Although this testimony had been dismissed twice, in Federal court in 1974 and by a San Francisco judge in 1975, it is currently being used to keep these elderly former activists locked up in prison awaiting trial. Some of the students attended a screening of a new documentary about the case [xv] which sparked passionate class discussions about the uses of torture by domestic law enforcement and the abuse of the justice system to repress dissent and control the population [xvi]. Our discussions also included Mumia Abu Jamal's case [xvii] and its connection to the Abu Ghraib



CalArts students at March 17, 2007 anti-war protest, Hollywood, California. Photo: Doug Wilchert.

torture scandal. One of the first soldiers convicted of detainee abuse was Charles Graner, whose smiling mug graced so many of the shocking images from Abu Ghraib. Before going to Iraq, Graner was a particularly vicious prison guard at SCI Greene, the Pennsylvania maximum-security prison where Abu Jamal sits on Death Row. At SCI Greene, Graner was accused of inmate abuses too numerous to list here--

apparently perfect training for his eventual starring role in the Iraq scandal [xviii].

It is fear that has been the Bush Administration's key tool in accomplishing its goals. 9/11 provided the perfect opportunity for activating "Continuity of Government" or COG programs, which included vastly expanded detention, allowed warrantless eavesdropping, and paved the way for the imposition of martial law. First developed secretly under President Reagan with key planners Dick Cheney and Donald Rumsfeld, we witnessed only the tip of the COG iceberg when Oliver North took the stand during the Iran-Contra hearings. Further, since 2003, we have had "ENDGAME," a Homeland Security strategic plan to place "all removable aliens" and "potential terrorists" in detention camps built (with a \$400 million contract) by Halliburton [xix]. The ACLU pointed out changes to the online ENDGAME government document, which augment the classifying behaviors designating one as a "terrorist" to include:

Destruction of any property, which is deemed punishable by any means of the military tribunal's choosing.

Any violent activity whatsoever if it takes place near a designated protected building, such as a charity building.

A change of the definition of "pillaging" which turns all illegal occupation of property and all theft into terrorism. This makes squatters and petty thieves enemy combatants. [xx]

The class hosted several visitors who brought a range of perspectives and experiences to bear on our subject. Dev

Nathan, the father-in-law of one of our students, amazed us all with his generosity and courage as he spoke candidly about his experience as a young political activist detained and tortured by the Indian police. He had undergone stress position techniques, which sounded like those used by our own troops in Iraq; ironically, the issues for which he had been arrested as a student are now incorporated into Indian law: minimal government support for the unemployed poor. Professor Gabriele Schwab presented her paper "Deadly Intimacy: The Psychology of Torture" which led to an extensive discussion of the holocaust and torture. Artist Ashley Hunt showed us his documentary work on prison reform as well as sections of a collaborative project in progress entitled *9 Scripts from a Nation at War* [xxi], a multi-channel video installation shown at *Documenta 12*. He spoke about the intersection of art and activism in his own work and showed his documentary work done in collaboration with the prison reform organization Critical Resistance [xxii].

As the primary focus of ID517, we asked students to make artworks in response to *A Simple Case for Torture* and to our government's recent actions regarding torture and its "reinterpretation" of human rights law. We encouraged them to collaborate, help each other, share information and find ways to represent their outrage through art; we have been overwhelmed by the results. Over the course of three months, we researched exhaustively, read, listened to guest speakers, screened film and video, programmed a film series, participated in demonstrations and protests, discussed ideas for artworks, produced art, mounted an exhibition, and finally

produced this book.

Not all our students' works focused specifically on the treatment of Guantánamo Bay and Abu Ghraib prisoners; the United States has a long and bloody history (slavery and the genocide of Native Americans) that has always included torture. These conditions continued following the Civil War and the official Emancipation of slaves with the lynching and murder of African Americans occurring regularly well into the 20th century. Jim Crow racial segregation was overcome through the long struggles of the Civil Rights movement only to be replaced with the insidiousness of Institutional Racism, the continuation of police and prison abuse, murder, involuntary sterilization of women of color, the overwhelmingly disproportionate incarceration rates for people of color and so on. Documents establishing ENDGAME state that it is "a mission first articulated in the Alien and Sedition Acts of 1798." These four laws passed by Federalists were supposedly for protection during the "Quasi-War" with France under President



*A Not So Simple Case For Torture*, California Institute of the Arts, March 2007

John Adams, but were largely seen as unconstitutional tools to suppress any criticism of the administration. All but one were repealed [xxiii]. Some of the students' works were addressed to these historical moments, while others were more personal, poetic responses to the often overwhelming subject of torture.

Our methodology in compiling this volume has been fairly simple. In attempting decisions by consensus, the class decided to divide the total number of pages available equally and let each student produce their contribution in whatever way they saw fit. In addition to our text and Martha Rosler's essay, there is also an extensive and collaboratively compiled bibliography, which we hope may be of use to the interested reader. We see this book as a call to action and hope that other artists will be inspired to give voice to their own concerns about today's world.

[i] Michael Levin, "The Case for Torture," *Newsweek*, 7 June 1982: 7. See also <<http://watchingpolitics.com/?p=2609>>.

[ii] David Luban, "Liberalism, Torture and the Ticking Time Bomb," *Virginia Law Review* 15 September 2005. <<http://www.virginialawreview.org/content/pdfs/91/1425.pdf>>.

Tara McKelvey, "Rogue Scholars: Professors play the ticking time bomb game," *The Nation* 281.22, 26 December 2005: 35-37.

[iii] In "The Truth about Torture", Charles Krauthammer trots out the same clichés like the ticking time bomb and the mother with the kidnapped baby, absurd scenarios that have never happened and never will (*Weekly Standard* 011.12, 5 December 2005, <<http://www.weeklystandard.com/Content/PublicArticles/000/000/006/400rhqav.asp>>).

[iv] 2002 Deputy Chief of the Justice Department's Office of Counsel and crafter of the argument that the president has unlimited and "special powers" over all aspects of the war on terror [v] as well as the infamous "torture memo" [vi] written for Bush's lawyer Alberto Gonzales--now U.S. Attorney General

[v] Nat Hentoff, "Architect of Torture," *Village Voice*, 10 July 2007, <<http://www.villagevoice.com/news/0728,hentoff,77169,6.html>>.

[vi] While the memo was signed August 1, 2002 by Jay Bybee of the Justice Department, it was written by Yoo.

[vii] The history and development of these so-called torture-lite techniques can be found in John Conroy's "Belfast: The Five Techniques," in *Unspeakable Acts, Ordinary People: the Dynamics of Torture* (Berkeley: University of California Press, 2000: 3-10, ISBN 0-520-23039-6).

[viii] Referring to the question of whether forcing a detainee to stand in stress positions for extended periods qualified as torture, in a news conference Rumsfeld quipped that he stands at his desk all day and it doesn't bother him.

[ix] "On February 7, 2002, I determined for the United States that members of al Qaeda, the Taliban, and associated forces are unlawful enemy combatants who are not entitled to the protections that the Third Geneva Convention provides to prisoners of war. I hereby reaffirm that determination," from the July 20, 2007 Executive Order as posted on the White House website.

[x] Mark Mazzetti, "Rules Lay Out C.I.A.'s tactics in Questioning," *The*

*New York Times*, 21 July 2007. (See also <<http://www.mcclatchydc.com/homepage/story/18244.html>>.

[xi] Dan Froomkin, "A Question Bush Can't Answer," *Washington Post*, 18 October 2006.

[xii] Andrew Sullivan has outlined the manner in which the Gestapo employed similar "enhanced interrogation" (term used by Nazis) techniques. "Verschärfte Vernehmung," *The Atlantic Online*, 29 May 2007 <[http://andrewsullivan.theatlantic.com/the\\_daily\\_dish/2007/05/verschfte\\_verne.html](http://andrewsullivan.theatlantic.com/the_daily_dish/2007/05/verschfte_verne.html)>.

[xiii] Ibid.

[xiv] See Jane Mayer, "Whatever It Takes: the Politics of the Man Behind '24'." *The New Yorker*, 19 & 26 February 2007, 66-82.

[xv] *Legacy of Torture*. Dir. Andres Alegría and Claude Marks. Videorecording/DVD. The Freedom Archives, 2007, <<http://www.freedomarchives.org/BPP/torture.html>>.

[xvi] Numerous stories have shown how the San Francisco 8's case is a direct extension of COINTELPRO, the FBI's war on organizations like the Black Panther Party, SDS and American Indian Movement. See Ron Jacobs, "The Men the Authorities Came to Blame...The Case of the San Francisco 8," *Counterpunch* magazine, 8 February 2007, <<http://www.counterpunch.org/jacobs02082007.html>>. For more on COINTELPRO see Ward Churchill and Jim Vander Wall, *Agents of Repression*. (Cambridge, MA: South End Press, 2002) and Ward Churchill and Jim Vander Wall, *The COINTELPRO Papers*. (Cambridge, MA: South End Press, 2002).

[xvii] Mumia Abu Jamal, *We Want Freedom*. (Cambridge, MA: South End Press, 2004).

[xviii] "Graner, Charles." *Wikipedia*, 18 July 2007 <[http://en.wikipedia.org/wiki/Charles\\_Graner](http://en.wikipedia.org/wiki/Charles_Graner)>.



[xix] "ENDGAME: Office of Detention and Removal Strategic Plan 2003-2012," U.S. Department of Homeland Security, 27 June 2003 <<http://www.fas.org/irp/agency/dhs/endgame.pdf>>.

Peter Dale Scott, "10-Year U.S. Strategic Plan For Detention Camps Revives Proposals From Oliver North," *New America Media*, 21 February 2006 <[http://news.pacificnews.org/news/viewarticle.html?article\\_id=9c2d6a5e75201d7e3936ddc65cdd56a9](http://news.pacificnews.org/news/viewarticle.html?article_id=9c2d6a5e75201d7e3936ddc65cdd56a9)>.

See also Bruce Ackerman, "Railroading Injustice: Congress is racing to give the president the power to lock up almost anyone;" *Los Angeles Times*, California Metro, Part B, 28 September 2006.

[xx] Paul Joseph Watson and Alex Jones, "Torture Bill States Non-Allegiance to Bush is Terrorism," *Prison Planet*, 29 September 2006 <<http://www.prisonplanet.com/articles/september2006/290906torturebill.htm>>.

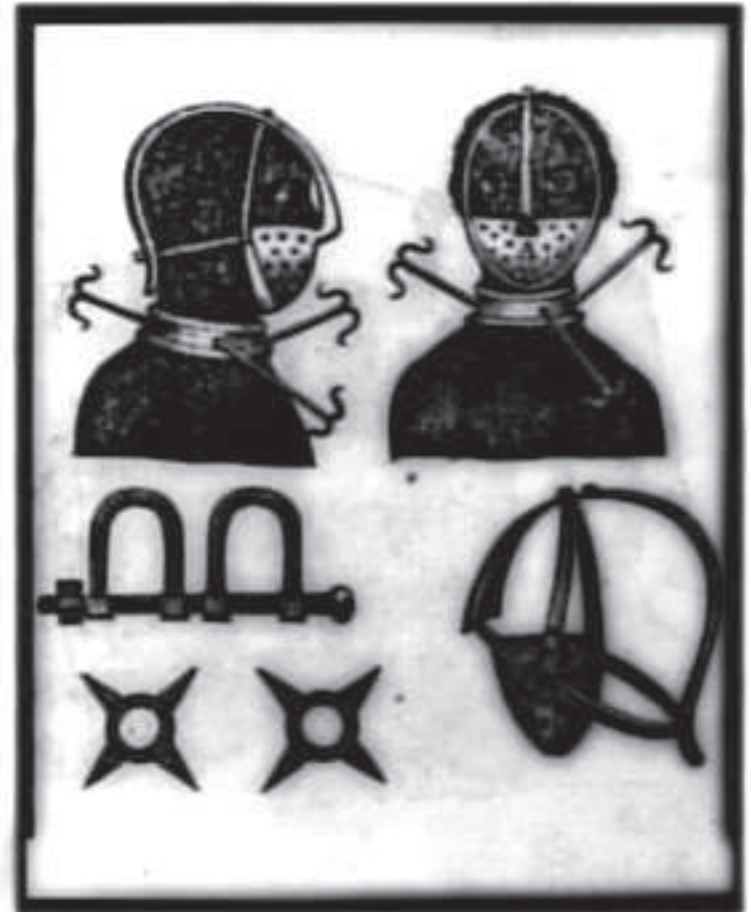
[xxi] Ashley Hunt, *9 Scripts from a Nation at War* home page.12 December 2007 <[http://correctionsproject.com/art/index\\_9scripts.html](http://correctionsproject.com/art/index_9scripts.html)>.

[xxii] <<http://www.criticalresistance.org/>>.

[xxiii] The Alien Enemies Act is still law and has been invoked in wartime. "The Alien and Sedition Acts of 1798," *Archiving Early America*, 1996-2007 <<http://www.earlyamerica.com/earlyamerica/milestones/sedition/>>. See also: <[http://en.wikipedia.org/wiki/Alien\\_and\\_Sedition\\_Acts](http://en.wikipedia.org/wiki/Alien_and_Sedition_Acts)>.

Instrument of torture  
used against slaves.

State-sanctioned  
violence (e.g. "slave  
codes") allowed cruel  
punishments for "resis-  
tance", including:  
whipping, burning,  
dismemberment and  
mutilation.  
(18th-mid19th cent.)



Lynching, a form of public torture spectacle, develops after Emancipation.

Directed primarily against African-Americans. Techniques include: hanging, burning, mutilation of genitals. Practice defended as popular justice, protection against rapists and criminals. (1880's - 1940's)



During Cold War, CIA conducts secret research in psychological and other forms of torture.

Techniques include: sensory deprivation/overload, isolation, humiliation, forced standing (later known as "stress positions").

"Coercive" tactics exported to other countries (Latin America) through School of the Americas. (1940's - 1980's).



Post 9-11, detentions,  
deportations increase.  
Widespread reports of  
torture, abuse.

Coercive interrogation  
techniques, indefinite  
detentions, secret prisons  
justified as part of  
"War on Terror".  
(2001-present)





# Why you Still Hittin' Me!?

Digital Video. 6 min 46 sec.

Script and Select Stills

Video begins with a text quote by Michel Foucault from the book *Discipline and Punish* that reads: "Torture is a technique; it is not an extreme expression of lawless rage". Laid beneath this text is the sound of cell doors slamming and dogs barking.



Ijela

**Ijela:** When I heard what was going on in Guantanamo and Abu Ghraib...it kinda blew my mind.

I mean, it's sorta barbaric. Ya know?

**Greg:** Look. I just don't give a fuck. I mean, I don't see how it applies to me.

**Chris:** You see, the thing is...we have these people here who read

the newspaper or see the news and think that this shit is happening in some fucked up place they can't pronounce, but this shit is happening on the regular. Right here on U.S. soil.

**Ijela:** We really, really sink to their level with that kinda shit.



Greg

**Greg:** That shit was in the newspaper, but I couldn't even pronounce it, so I couldn't care less.

**Chris:** (Silence. Looks down at script.)

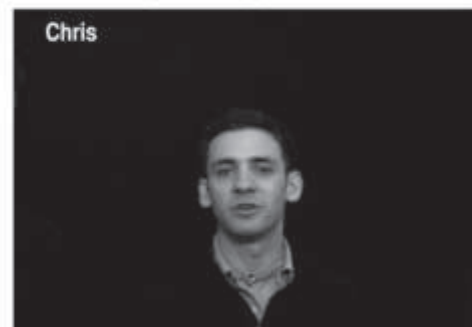
**Greg:** And when I do get around to reading the paper I usually just stick to the local section. That's my section.

**Ijela:** How we look in the eyes of the other nations is a pretty big concern

of mine. If everyone else is saying it's wrong then our image must be pretty damn negative. We're losing allies every minute as it is.

**Chris:** Yup. U, S, and A.

**Greg:** Do I vote? Yeah, I vote, but I don't really expect much. It's the most, or, the least I could do. I go to work, pay taxes...whatever.



Chris

**Ijela:** Oh. definitely. I do my best to keep up on international affairs.

**Greg:** I don't really have the time to keep up with politics. I can't worry about everything; especially if it doesn't affect me directly.

**Chris:** Let's say you get busted over some bullshit. You'll find yourself with a plastic bag over your head, or a plunger up your ass. Like Abner Louima or someone like that.



**Greg:** Directly? You know. We see fucked up shit in the newspaper all the time. And we all know politicians do bad shit, but...(big shoulder shrug.)

**Ijela:** How would I feel about torture if it wasn't illegal?...Huh...How would I feel about torture if it wasn't illegal (rhetorical question.)

**Greg:** (Silence. Actor looks down at script to remember lines. There is

an abrupt cut, after which he reaches off camera for a cigarette. He lights it and smokes it briefly.)

**Chris:** They'll have you admitting to something you didn't do.

**Ijela:** I just think about our own people out there. If they get captured or something, they're going to get the same kind of treatment.

**Found footage clip of Arizona State Department of Corrections Training Video:**

(Voice over narration reads: "The Arizona State Department of Corrections utilizes service dog teams to assist in narcotic detection in all of its prison units. Selected teams have also been dual purpose trained and can thus be used to assist staff in inmate control situations.



**Greg:** Have I ever heard of torture before? You mean here in the U.S.?

**Ijela:** (Silence. Takes a moment to look down at script. Has words with the directors.)

**Chris:** Man, they could have you down at the police station with those

same dogs breathing in your face.

**Ijela:** Oh. You mean U.S. citizens?

**Chris:** As a matter of fact, I read a report recently about 148 people being tortured by Chicago police. Area two is what they called it.

**Ijela:** Okay. What you're talking about is police brutality. How could I have not heard about that?

Cut to found footage of police striking a Black youth while putting him in the back of a squad car.



**Chris:** What!? Yeah I really believe it. No, I don't believe everything that I read, but it's pretty compelling.

**Ijela:** Awww. Give me a fucking break. You can't even equate those two things. There's a complete difference between being tortured in Iraq or Afghanistan or somewhere, and being roughed up by a couple of cops. Please.



Ijela's shot and dialogue are intercut with footage of a police officer holding a man down and hitting him in the face, as well as footage of several officers hitting a man with a baton on Hollywood Boulevard.

**Greg:** I mean, the people in power are always gonna be corrupt anyway. It's just a matter of

choosing the better of two evils. We all have to make our choices.

**Chris:** Yup. U, S, and A.

Last shot is footage of a prisoner being extracted from his cell by officers in a Massachusetts prison facility. The dog barks loudly as the inmate screams and tries to keep officers from opening his cell. Eventually they are able to make entry



and we slowly fade the video out to black while letting the audio play underneath. The attack dog continues to bark while officers give commands and the inmate screams. At one point he exclaims: "Why you still hittin' me!? Huh!? Why you still fuckin' hittin' me!?"

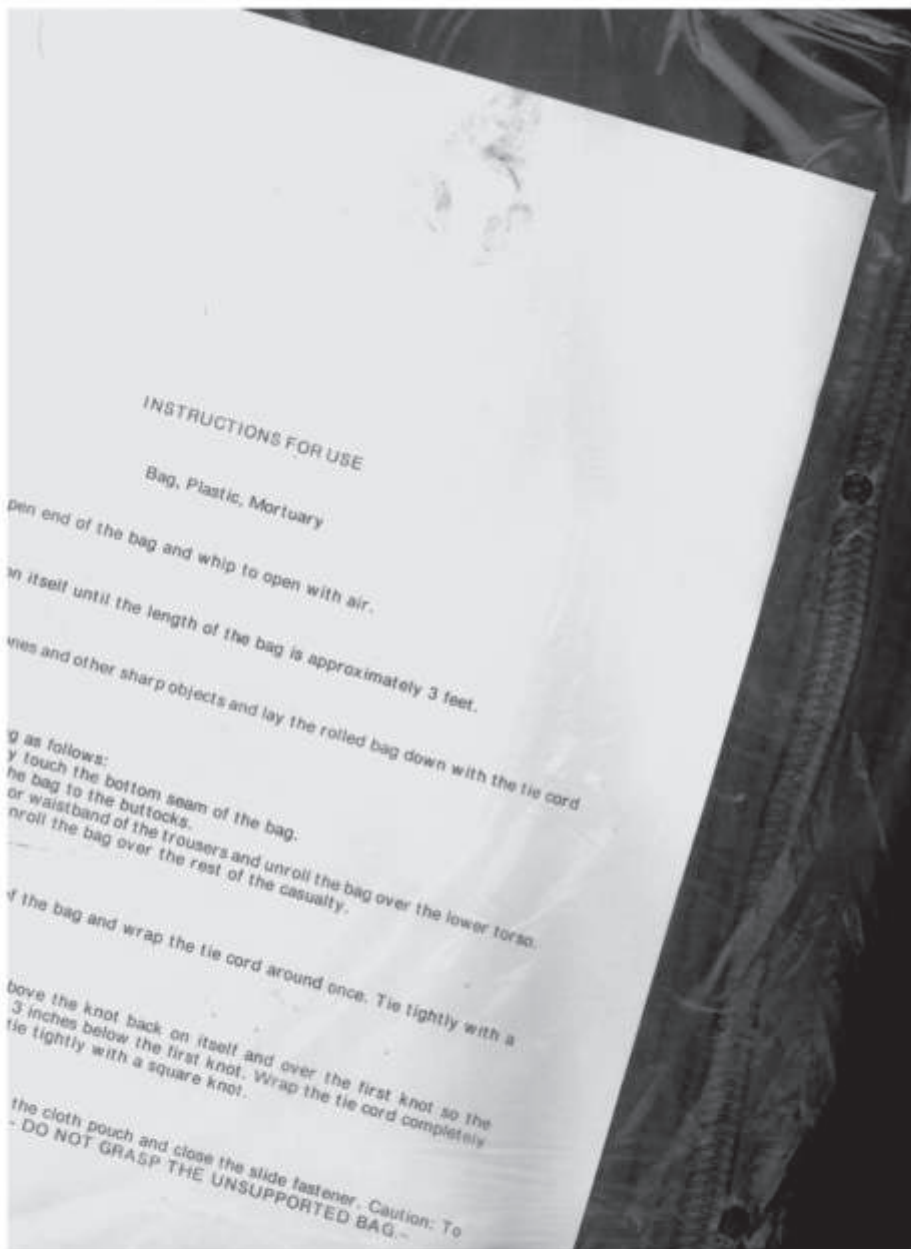




# INSTRUCTIONS FOR USE

## Bag, Plastic, Mortuary

1. Hold one side of the open end of the bag and whip to open with air.
2. Roll the open end back on itself until the length of the bag is approximately three feet.
3. Select an area free from stones and other sharp objects and lay the rolled bag down with the tie cord toward the ground.
4. Place the casualty into the bag as follows:
  - a. Insert the feet so that they touch the bottom seam of the bag.
  - b. Raise the legs and unroll the bag to the buttocks.
  - c. Lift the casualty by the belt or waistband of the trousers and unroll the bag over the lower torso.
  - d. Raise the upper torso and unroll the bag over the rest of the casualty.
5. Gather the sides at the open end of the bag and wrap the tie cord around once. Tie lightly with a single overhand knot.
6. Fold 10 inches of the gathered bag above the knot back on itself and over the first knot so the gathered end of the bag extends about 3 inches below the first knot. Wrap the tie cord completely around the gathered portion once and tie lightly with a square knot.
7. Place the bag containing the casualty into the cloth pouch and close the slide fastener. Caution: To avoid ripping the plastic, lift the casualty– DO NOT GRASP THE UNSUPPORTED BAG.



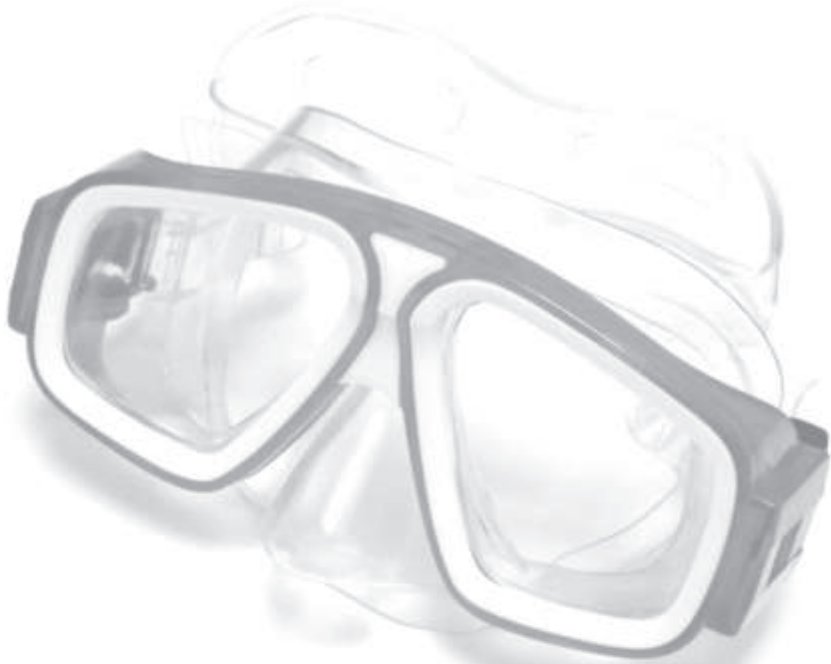
previous pages:

### **Instead of a Body (#1)**

US military bodybag, including instructions, purchased at Armies of the World, Glendale, CA, for \$39.95.

(includes cloth bag and synthetic liner the store clerk promised was strong enough not to tear--she knew this because, she said, she had recently used one as a truck-bed liner when helping her daughter move a mattress)





**Witness:** [One interrogator] ordered a ladder to be brought, and they tied my chest and legs to it, my hands already having been tied before. I was then pressed under three running taps in a bathroom. [Another interrogator] pressed a gunny bag to my face and they tried to force water into me...and they left me under one tap which was running directly on my nose and face...

**Prosecutor:** How long were you left there?

**Witness:** Approximately two hours.

-----

They used the water treatment. They would bend my head back, put a towel over my face and pour water over the towel. I could not breathe. This went on hour after hour, day after day. When I would pass out, they would shake me and begin again. They would leave me tied to the chair with water freezing on and around me.



The victim then aspirates a small amount of fluid, which causes laryngospasm, and this in return may result in complete airway obstruction lasting up to two minutes. During this period of increasing hypoxia (oxygen deprivation) and panic, the victim may continue to swallow fluid into the stomach. Approximately 10-15% of victims then proceed to aspirate another amount of water, which then causes severe laryngospasm, followed by increasing hypoxia, possible convulsions, bradycardia, and cessation of cardiac activity.

-----

**Q.** And you couldn't breathe?

**A.** No, I could not and so for a time I lost consciousness. I found my consciousness came back again and found Y\_\_\_ was sitting on my stomach and then I vomited the water from my stomach and the consciousness came back again for me.

**Q.** Where did the water come out when he sat on your stomach?

**A.** From my mouth and from all openings of my face...





After [beating P\_\_\_] they let him down again...and W\_\_\_ told a few soldiers to hold P's head backwards. Then he told another soldier to put a piece of cloth over his mouth and told another soldier again to fetch a bucket of sea water...at that point the sick bay attendant, who was present at the moment and who expected what was going on, intervened. He told him, to Sergeant W, that it is dangerous because it is sea water and the man will get sick. At that moment Sergeant W said "Let him die."

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Various tortures were administered during interrogation, the main one being "Water Torture," which is done by laying a person flat on a bench with his head overhanging one end. A funnel is then placed in the mouth and water forced into the abdomen and lungs. The torturer then jumps on the stomach of his victim, producing a drowning sensation.



I do not think that anyone would add deliberately to the brutality. Salt, kerosene, and sand mixed with the water used are fancies of the irresponsible in my opinion. I never heard of anything but plain water being used.

**WATERBOARDING REVISITED**

photographs: Nicholas Grider

text: US court testimony  
cited in "Drop by Drop: Forgetting the History  
of Water Torture in US Courts," Evan Wallach

# Confessions/ Confessional

by Joanna B. Ingco

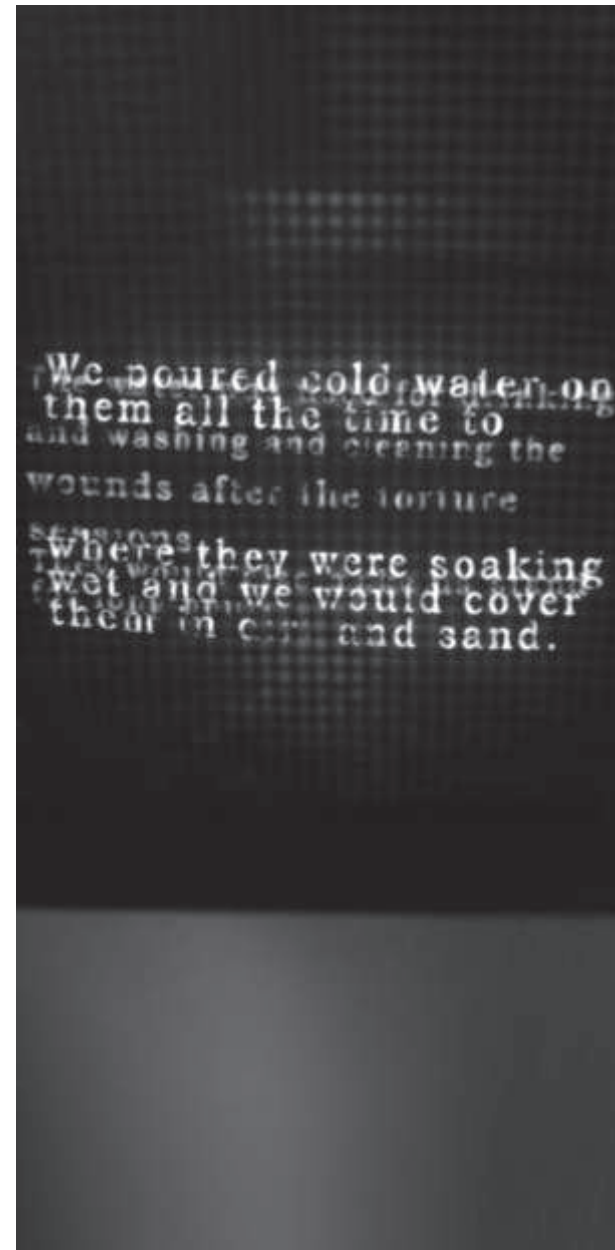
Though my usual practice involves painting and pop culture, my involvement with this show provided an important outlet of exploration into the realm of the political and devastating. The outcome was a Confessional, in which I aimed to create a physical venue that established an interactive experience in witnessing "confessions" from actual participants of torture. Within the confines of the Confessional results a private isolation booth, inviting the spectator to quietly absorb the recollections shared. For the video installation, each confessional account is differentiated by color, arranged intermittently, and composed in sequential order; showing instances that coordinate despite separate situations. Instead of visual or audio representations, textual accounts are used, much like literature, encouraging viewers to encounter the nightmarish material by accessing their own personal references.





Sculpture and video installation  
mixed media, 2007

The installed narrative consists of excerpts from testimony given by *Sergeant A*, of the 82nd Airborne Division who served in Afghanistan from September 2002 to March 2003 and in Iraq from August 2003 to April 2004 and a professor of theology, Ali Shalal, who was tortured at Abu Ghraib Prison.





"In prison I see in the clearer light of the 100-watt bulb in my cell that never lets me sleep; I see in the clearer light of the eyes of the key-jangling guards who have completely stripped me of any privacy in eating, washing and shitting; I see it in the clearer light of the sickening, nauseating food that I daily have to force down my throat; I see it in the clearer light of the Bleak House, this human zoo where every hour I only look at stone and dust and iron bars, and more stone, dust and iron bars; I see it in the clearer light of the callous police use of disease as a means of torture; I see it in the clearer light of the endless acts of humiliation meant to strip me of the last vestiges of humanness..."

Ngugi Wa Thiong'o  
Detained: A Writer's Prison Diary







## Systemic Control

Since the beginning of civilization as we know there was a period of egalitarianism before social stratification created a ruling class and system. We use multiple systems of sociopolitical and economics as opposed to one; however, throughout history it was one institution that would prevail as the most influential and powerful. Before the advent of corporations, the Church was the most powerful institution; then came secular governments, and today the corporation is the most powerful institution in the world. The power it holds is greater than that of any institution in history. Its global reach of influence and power was once thought impossible.

Globalism is funded through two different means: trade and foreign direct investment. The investment is the money put in and the trade is the money the corporations get back. Trade is where all the money in infrastructure lies. Since it is where corporations get their money, controlling trade through the World Trade Organization by law becomes profitable. Likewise the WTO has always made laws to facilitate privatized development. Private

marketization, is a raw form of capitalism as opposed to a socialist marketization which, in an advanced form, is the state regulated sector. The battle between these two types of infrastructures is what is at the root of geopolitical stabilization: in other words, it is why wars are fought and regimes installed and ousted. So, as you can probably guess, privatization accounts for virtually all foreign direct investment. So wait—why is there contention over marketization of infrastructures? Because in second and third world nations, privatization creates capital flight—but how and why? Immanuel Wallerstein illustrates how capital flight takes place in World System theory: which breaks the global economy into 3 zones: core, semi-periphery and periphery. The core is where wealth is concentrated in a country like America or Britain. The semi-periphery includes countries starting to build an industrial infrastructure like Turkey. The periphery is the third world, and is agrarian based: an example would be Haiti. Wallerstein's global economy's function is to extract wealth and resources through the periphery to the core through debt bondage, commodity price differentials and labor wage differentials [1]. Why this phenomenon takes place is best understood in William Domhoff's class system analysis which focuses on the existence of a discrete upper class that has a disproportionate amount of overt control; so much so that they can be considered a governing class which control through four criteria: special interests, policy formation, candidate selection process and ideology formation [2].

Foreign direct investment and trade cannot function without geopolitical stabilization. Otherwise guerilla attacks or regional policy changes would threaten the ability to extract and transport resources. With the fall of the Soviet Union in 1991, world geopolitical stabilization fundamentally changed and a new day for world capitalism was born: globalism now had no borders, because no one will fight the United States armed forces for the third world. In other words, now the world was up for grabs for the multinational conglomerate system because the Soviet Union was the only country which could fight the United States of America for the third world. Without Soviet opposition, it is far easier for the United States to side with whomever they want by taking a unilateral stance, not to say that they didn't do that before, as in

the mainstream examples of Iran and Nicaragua which became popularized paradigms for Cold War guerilla-based geopolitics after the Iran-Contra scandal during the Reagan administration. Before the fall, the United States and the Soviet Union sided with either guerilla oppositional groups or the regional government of each country, and revolution through violence was the only way to change geopolitics. There were two sides to take and two super power countries to take them. In this saga, conservative or capitalist regimes are backed by the United States while liberal or socialist regimes are backed by the Soviet Union. Let's use Nicaragua as a microcosm for cold war geopolitics, one that will play out the again and again in every third world country—except there's one difference here: Nicaraguan Sandinistas fought US-backed mercenaries and won.

In the last half of the 1800s, American interests moved away from Nicaragua because of the isolationist sentiment following America's Civil War. In October 1909 a civil war broke out in Nicaragua, conservative and liberal opponents of President Zelaya joined together to overthrow Zelaya's regime. Two United States mercenaries serving with rebel forces were captured and murdered by the government. This was the chance to take action against Zelaya who, angered by the Transisthmian canal America choose to build through Panama, made concessions with Germany and Japan to create another rival canal through Nicaragua. Soon after the American mercenaries were killed, 400 United States Marines landed on the Caribbean coast in 1909, which marks the beginning of Twentieth Century United States intervention.

The imperialism of American foreign policy can be seen in treaty ratification between America and Nicaragua in 1916 with the Chamorra-Bryan Treaty which gave the United States exclusive rights to build an interoceanic canal across Nicaragua. The treaty also transformed Nicaragua into a near-United States protectorate. At least that's how the story goes according to the Library of Congress Country Studies:

The United States kept a contingent force in Nicaragua almost continually from 1912 until 1933. Although reduced to 100 in 1913, the contingent served as a reminder of the willingness of the United States to use force and its desire to keep conservative governments in power. Under United States supervision, national

elections were held in 1913, but the liberals refused to participate in the electoral process, and Adolfo Díaz was reelected to a full term. Foreign investment decreased during this period because of the high levels of violence and political instability. Nicaragua and the United States signed but never ratified the Castill-Knox Treaty in 1914, giving the United States the right to intervene in Nicaragua to protect United States interest. A modified version, the Chamorro-Bryan Treaty omitting the intervention clause, was finally ratified by the United States Senate in 1916. This treaty gave the United States exclusive rights to build an interoceanic canal across Nicaragua. Because the United States had already built the Panama Canal, however, the terms of the Chamorro-Bryan Treaty served the primary purpose of securing United States interests from potential foreign countries—mainly Germany or Japan—building another canal in Central America. The treaty also transformed Nicaragua into a near United States protectorate. [3]

America was willing to use military force in order to maintain a conservative regime. Also, the Chamorra-Bryan Treaty is much like the Iraqi Hydrocarbon Act in that it transforms the state into a near protectorate. In 1909, 400 marines would be the catalyst for liberal Zelaya's resignation. When Madriz took over he could not quell the regional violence and continuing pressure from the United States and conservatives forced him to resign in 1910. Conservative Estrada then assumed power and when liberal opposition groups challenged him, the United States sent 2,700 marines in 1912, then keeping a smaller contingency force in Nicaragua until 1933. In the 1913, 1916 and 1920 elections that America oversaw, liberals refused to participate. After those elections conservatives followed first Solorzano then Chamorro, Díaz, Sacasa and finally Somoza, who would rule for four decades.

The liberals didn't even bother joining the elections, just as they weren't even considered in either election in Iraq or Afghanistan. Prime minister of Iraq, Nouri al-Maliki, was appointed by a council, the Iraqi Transitional Government that is appointed monthly by the President of the United States. How do these paid legal analysts claim no political involvement in the Iraqi Hydrocarbon Act when President George W. Bush made the passing of the act one of the benchmarks he set for the Iraqi government? Hamid

Karzai is a former UNOCAL executive who is clearly in favor of the gas pipeline to the Caspian Sea that is planned to run under Afghanistan, right under where Americas bases are located. Even though the face of geopolitics have changed since the Soviet fall, it has changed nothing on the ground; it is purely a political change. The past has repeated itself; the United States is still trying to replace third world regimes with conservative ones in the name of privatization. Ony just now there's no one to defy them on the state level.

Countries formerly attached to the Soviet Union through common communist political and economic interests, now had to find new interest in an environment in which the world wide America military infrastructure symbolized yet more power. Likewise, a shift in world sociopolitical and economics ensued: the 1990s would prove to be the era where the multinational conglomerate came of age.

In order to deal with the change in geopolitics, countries opened their doors to capitalism and a world market now integrated every country in the world. One country that would symbolize the power of globalism, the new landscape of geopolitics and the change of geopolitics through the fall of the Soviet Union is China. Formerly, China had been an ally of the Soviet Union and shared a common political system: communism. After the fall, China stayed communist but opened its doors to capitalism. It was a change that came as a domino effect since the end of the cold war; soon every country had its doors open to capitalism.

World economic domination is a dance between politicians and corporations in order to make the laws that lend themselves to profit. The multinational conglomerate dates back a ways but what truly made multinational conglomerates is deregulation. What is deregulation? How does it lend itself to economic domination of the conglomerates? Deregulation is a misnomer. It would seem to entail taking old regulations away. Yet, in regulatory systems, everything is defined by regulation. When you take away an old regulation you simultaneously create a new regulation. For instance, there was a long time when radio stations could not own more than a small fixed number of channels. In the Communications Act passed during the Clinton

administration there was deregulation that allowed a company to own an infinite numbers of radio stations. A rule was not taken away, just changed.

Think of the multinational conglomerate system as only a series of rules; it is these rules that make it a system and system is all it can be. The multinational conglomerate system lends itself to economic domination because deregulation allows a parent company to have as many subsidiary companies under itself as it wants. Within a corporate system that demands limitations on privatization and limits on mobility of parent companies, the ability to own subsidiaries is the ability to have a corporatized system that is not imperial. The multinational conglomerate system on the other hand is a system with a very deliberate absence of limitation.

The deregulation pushed through by corporate lobbyists created a frenzy of privatization of public space and services and that did not stop within the United States.

While the project of corporate globalization rips through people's lives in India, massive privatization and labor "reforms" are pushing people off their land and out of their jobs. Hundreds of impoverished farmers are committing suicide by consuming pesticides. Reports of starvation deaths are coming in from all over the country. [4]

The frenzy did not stop there. Deregulation was allowing and pushing through mergers and acquisition. With each acquisition came another subsidiary company and with each merger one large conglomerate merged with another. These mergers and acquisitions led to two main problems: increased power within the parent company and decreased variations in products and companies.

The mergers and acquisitions in the conglomerate system were creating a need for cross product placement and hypercommercialization was born and would become a symbol of the nineties and post nineties. Hypercommercialization in the context of the information age allows for greater importance and exposure to commercialization. In the mainstream, context and meaning of media has the potential for the destruction of democracy. Democracy relies on the media and is necessary

for the population to understand issues and political platforms. Yet, the mainstream has devalued media by not placing enough importance on the media system as a system that is not democratic and completely corporate, and likewise the media is viewed incorrectly.

The negative affects of globalism and corporatism do not stop at sociopolitical and economic systems; ecological decline finds itself in opposition to corporate interests. Much of the money the corporate system makes is from natural capital, the synonym for ecological goods and services. Less natural capital means less profits. The choice between natural capital and sustainable development is one that is decided, like all things in the conglomerate system, by profit. One of the most damaging affects of profit-driven corporatism is the effect it has on the environment. Conspicuous consumption drives a disproportionate natural capital. The waste that is created is vast and unnecessary. However, when the American economy is driven by consumerism, the choice is clear for conglomerates: create natural capital in the context of a huge consumer driven market.

In order to understand how corporations are able to push through deregulatory monopoly licenses, privatize public space and services and damage the environment through an unequal distribution of natural capital, one must examine the media to find corporatism's means of control. It is the information age, and media conglomerates dominate how information travels. The media does not cover ecological decline. The media conglomerate has interests only within the system in which it operates: the multinational conglomerate system. Ecological decline is a part of a bigger problem: corporate interest weighed against human interests.

While Gujarat burned, the Indian Prime Minister was on MTV promoting his new poems. In December 2002, the government that orchestrated the killing was voted back into office with a comfortable majority. Nobody has been punished for the genocide. Narendra Modi, architect of the program, proud member of the RSS, has embarked on his second term as the chief minister of Gujarat. If he were Saddam Hussein, of course each atrocity would have been on CNN. But since he's not- and since the Indian "market" is open to global investors-

the massacre is not even an embarrassing inconvenience. [5]

The media conglomerate is the apparatus of control for the multinationals. The situation Arundhati Roy points out is a good example of how the means of control (the media) operate. Iraq will serve as a cornerstone of geopolitical stabilization in the Middle East once democracy is employed; a true democracy free of privatization and capital flight. While the war wages, military contractors fill orders and a democratized Iraq will serve as a profitable market. India is an example of what American multinationals bring.

It is not a coincidence that the Prime Minister, the Home Minister, the Disinvestment Minister—the men who signed the deal with Enron in India, the men who are selling the country's infrastructure to corporate multinationals, the men who want to privatize water, electricity, oil, coal, steel, health, education, and telecommunication—are all members of admirers of the Rashtriya Swayamsevak Sangh (RSS), a right wing, ultra-nationalist Hindu guild which has openly admired Hitler. [6]

Roy then goes on to point out how democracy is being dismantled in India. Yet, this approach of playing along with authoritarian and even totalitarian regimes seems antithetical to the business approach of democratizing Iraq. When a regime is friendly to American interests, America will help that regime, no matter how antithetical their values are to our democratic values. If the regime's totalitarianism can help subjugate the population to work for multinationals, America encourages the regime's treatment of the population. China's human rights violations are many and not far apart, they have the highest incarceration rate in the world. Recently the World Trade Organization (WTO) allowed China to join. The WTO is touted as a humanitarian agency within an economic agency. When a country is acting in a way antithetical to American values and the values of the United Nations, the WTO is supposed to step in and apply trade embargos in order to pressure the country to change its human rights violations. Instead, the WTO acts as a de facto world government which is a handmaiden to the corporations. Trade embargos are put on

countries where political change means creating a market: such as Iraq. There are no trade embargos on China because that would cripple business and hinder the U.S. government's Chinese bankroll we have become accustomed to use to pay our debt each year.

It seems that ignorance and apathy dominate the public sphere while the media conglomerates take advantage of an uninformed population. The majority of Americans have no understanding of why countries such as Iran dislike us. They do not know that America has been the flip-flopper to these countries, using covert CIA operations to change governments all while moving alliance from one side to their oppositional group.

There has been hypocrisy regarding human rights since the beginning of America. These issues of hypocrisy go along with a greater hypocrisy that stands as the mainstream consciousness of freedom. We promote freedom while backing totalitarian and/or authoritarian regimes. America wages war with the mission statement to create peace.

Meanwhile, the countries of the North harden their borders and stockpile weapons of mass destruction. After all they have to make sure that it's only money, goods, patents, and services that are globalized. Not the free movement of people. Not a respect for human rights. Not international treaties on racial discrimination or chemical and nuclear weapons or greens house gas emissions or climate change or—god forbid—justice. [7]

The empowerment of people and freedom of expression is not a profitable convention. Shrinking an army doesn't make an imperial power more powerful. The ideals that drive globalism are not the ideals globalism claims to be driven by. We cannot wage war on every non-democratic country, so we only attack if we have to in order for capitalism to spread. We will side with any regime that can allow us to make a buck and Wallerstien's World System theory denotes that the buck doesn't get passed on when there are international commodity price differentials, wage labor differentials and debt bondage.

The only way to combat the conglomerate system is through information. The multinational corporations control



through information in order to shape public opinion. The way to change that opinion is through the same process which created it: learning through information. As long as the conglomerate system dominates media there is no realistic way to get anti-corporate information heard. It is this media system which allows us to have a democracy which is anything but democratic when you have to pay for a media primary to illustrate a political platform.

The problem of the media is not just one problem; it is one of the main problems because the media is commercialized. It is commercialization that makes the media depend on not just their company but corporations in general. A commercial media is not a natural growth out of democracy, like the public opinion shows; instead it is a Catch-22 two of capitalism and corporatism, even though the two do not have to be together. These two forces drive media as opposed to the media being informational and democratically based. As long as our information has only one interest, we cannot expect to hear anything else.

James McCardell

[1] Immanuel Wallerstein, *The Modern World-System: Capitalist Agriculture and the Origins of the European World-Economy in the Sixteenth Century*. (New York: Academic Press, 1976) pp. 229-233.

[2] G. William Domhoff, 1967. *Who Rules America?* (Englewood Cliffs, N.J.: Prentice-Hall.)

[3] Library of Congress, Library of Congress country studies: Nicaragua: United States intervention 1909-33 (Washington DC. 1993) p. 1.

[4] Arundhati Roy, *War Talk*. (Cambridge, Mass.:South End Press, 2003.) pp. 104-105.

[5] Ibid. p. 106.

[6] Ibid. p. 104.

[7] Ibid. p. 107.



## HUMAN NATURE VS. TECHNOLOGY

(INVISIBLE WARMTH)

By Tomas Moreno



This essay is a continuing aspect of an art piece that I assembled in the spring of 2007 entitled *Invisible Warmth*. It is a personal journey, and also an investigation, and assessment of the current atmosphere, where new barriers have been established in race, class, and gender. The effect of our government stripping U.S. citizens of our rights and replacing them with fear is reflected in different aspects of this quilt. *Invisible Warmth* embodies the multicultural environment and sub-cultural imagery that reflects the ideological or psychological state of war in the United States. The quilt reflects the experiences of under-privileged and lower class men and women of the U.S. military, and the behavioral conditioning being implemented by the current Bush Administration.

This piece is assembled of t-shirts that were silk-screen printed in San Antonio Texas, in a warehouse where I was employed in the summer of 2006. I was a “puller” (a person who pulls fabric/t-shirts and puts them on a rotating heater) in the factory and would acquire these shirts every Friday which was coined “flight week”. Airmen in the United States Air Force would graduate from boot camp, which occurs every Friday, every week, of every month, every year, year-round—and order these t-shirts. The graphics for these souvenir t-shirts are provided by the United States Air Force. Embedded within these shirts are the labor conditions of a screen-printer: working in 100 Fahrenheit degree heat, standing next to heaters that are twice as hot. The quilt embodies lower class economics and is a metaphor for the ways in which the United States government has been prospering from the lower class since its inception.

*Invisible Warmth* embodies the multicultural environment and sub-cultural imagery that reflects the state of war in the United States. The quilt contains imagery reflective of graffiti, reminiscent of G.I. Joe figurines, rock band or sporting event t-shirts combined with contemporary slang.

With colloquial phrases such as “Oh Hell No,” “Hit It, Kick It, Stab It, Kill It,” “Who’s Next?” “Trample the Weak, Hurdle The Dead,” “America’s Next Top Airmen,” and “Black Sheep Flight”, etc., American pop culture is fused with propaganda which is embedded with imagery (e.g., a cartoon bulldog holding a late medieval armor-plated helmet filled with blood in one hand and a head detached from the body in the other, hand dripping with blood; a curvaceous woman whose skin color is dark enough to be the opposite of Caucasian, a halftone color catering to every woman, with camouflage pants, tank top and light brown hair, holding an M-16 rifle) The subjectivity of the female comes into question here, as to who this aesthetic objectivity caters to?

These slogans and their related imagery represent a complex transformation of pop culture and chauvinism that create hatred and a construction of othering. These symbolic bulldogs, wolfs and skeletons representing death are in fact individual human beings being stripped of their identity. It is this silent indoctrination of propaganda that is seeping into today’s youth, men, and women.

Text and imagery form the indoctrinated psychology that is being disseminated to United States society by the current Bush Administration. The quilt’s border fabric, which is a combination of sports imagery, bespeaks a functional aspect of how our government treats this system of class and race. The semblance of inclusion and worth is given, but hidden behind this screen is a pedagogical installment of a loss of humanity.

It is a complicated metaphor to understand; you see, it is neither right nor left, but truth. Truth does not have a party or bias, which is where my passion lies—in reflecting the truth and not an ideological practice. What I present is a component of how the United States government is failing its citizenry; the ways it is neglecting its policy-and-law-making abilities, and the suffering of people due to this abuse of power.

We are at the arrival of WOMAN with a capital W! The uncharted waters of feminism or the reality that the most vicious and famous torture photos of our wartime era is of a WOMAN. She was Army Pfc. Lynndie England, who was convicted of mistreatment

and abuse at Abu Graib prison. England’s horrendous actions begin with the implementation of rhetoric promoted by the United States military. The iconic image of the United States’ treatment of the other also continues and morphs into a new era as well. The hanging disappears and we find it institutionalized in a military uniform dominating a futile, psychological Iraqi. It is a representation of our current Democracy and this quilt is a historical document reflective of a new development in gender and race. I guess All Women Don’t Wear Love Beads.

The question regarding whether or not we should pull troops out of Iraq or stay is not as relevant as the substantial conflict that begins on U.S. soil. Why is the United States government continually presenting a situation and environment where Americans in a middle to lower class financial bracket feel that their last chance at survival, a better way of life, or getting college money is by joining a regime that transforms upstanding, innocent teenagers (in some case adults) into an expendable human entity? Today, as in the past, we have either witnessed or read stories about soldiers returning home with missing limbs, post-traumatic stress disorder—unable to return home as the same person who left to fight a war. This fact is shadowed by a small percentage of affluent Americans obtaining more wealth and



Tomas Moreno, Invisible Warmth, 2007, Fabric t-shirts, 77 1/2 x 79 inches.

advocating fear based propaganda to a new generation of youth.

Precious, valuable lives become replaceable and the media reduces the deaths of soldiers to last names such as Vasquez, Dixon, Martin, Andrews, Reid, Bautista, Jones (some 3,500 plus Americans have died since the Iraq War)—and the list goes on—in juxtaposition to interest in how long Paris Hilton goes to jail as well as a myriad of superfluous news. This type of excessive so-called newsworthy media makes attention spans shrink from exhaustion.

We no longer care about what becomes of one another, which begs the question as to where have the morality and ethics of this generation gone? Our parents have provided us with material wants and needs, but not the compassion and values they once grew up with. Civil disobedience has been reduced to the iconic imagery of Martin Luther King and Gandhi, yet does not seem to be an ideological anthem for all Americans.

I come from a military background; my father served in the navy, his brothers and my uncles served in the army and air force; relatives and my best friend of 8 years are participants in the military currently. The discussions I've had with a certain family member reveal a not-so-happy ending for soldiers and the kind of "democratic" falsehood we are promoting around the world. If you look at this photograph, which was taken in Iraq after a roadside IED exploded. There is a young boy crying, covered with blood. This is the type of "democracy" that we are disseminating. The military budget is currently \$727 billion. It takes up over 51% of federal funds budget. Our tax dollars are funding this construction while we still have our own neighborhoods and disasters of Katrina to be resolved. There are still millions without healthcare, and 36.5 millions were below poverty in 2006. There is class warfare going on in this country and it begins with the lower/middle class excluded and abandoned from diplomacy, education and denied a voice in this government. My relative is one of the few soldiers in his flight to come back alive from Iraq. Although he is not physically hurt or wounded, his psychological ailments are unfathomable to one who has not seen war firsthand.

These elements have affected the very people I know

and love most dearly. My inquiries are rooted in witnessing the transformational change in my cousin, who spent a yearlong tour in Iraq. I can see the change in him. This invisible, psychological construction for me as an artist is visible and in need of critical deconstruction and dissection.

This complex truth both embodies and also reflects not only the current atmosphere in the United States but is actually constructed by a handful of participants. There are parameters that have been constructed and crossed. Lines and borders that our government has put in place for protection but yet deemed breakable behind closed doors with last minute pages being put in budgets and other documents such as the patriot act being implemented. We must



Baghdad, Iraq, 2006, Anonymous

restructure this system in order to begin to form a "Democracy" You have been asleep and sucked into this whirlwind of fear and capitalism but have not stopped to read between the lines. If our government can create this, who should say we don't have the power to deconstruct it and take it back?

We are taught and conditioned that we have no power to change things, that protest doesn't matter and to discontinue such actions. That is exactly what will not transcend the current situation we live in. We need exactly just that: we need protest; we must



continue to write our letters to Congressmen and Congresswomen, to picket our Senate members meetings. Every time there is a chance to speak, we need to speak up, persevere, and then change will happen. We need to teach each other, inform, consult and learn; the more information we can disseminate about our conflicts and quarrels we have, a better chance of reaching solidarity to move forward towards a new structure. If we continue to be silent and segregated nothing will change. We need to raise many more questions, not just accept answers. To be continued...



Tomas Moreno, Invisible Warmth, 2007, Fabric t-shirts, 77 1/2 x 79 inches.

On March 4th, 2005, Starbucks opened their first location on the Guantanamo Bay Naval Base. The Naval Base had been converted into a detention center for “enemy combatants” 3 years earlier when Starbucks first opened. Starbucks has since opened 2 more locations on the base. Though they have never acknowledged these locations, the Guantanamo Bay Naval Base has. In their weekly newsletter, the Guantanamo Bay Gazette announced the arrival of Starbucks. The first location was an immediate success selling over 1,100 cups the first night.

Starbucks still denies the existence of these locations and states; “Starbucks currently has many We Proudly Brew foodservice locations in military installations across the United States as well as internationally.” Starbucks refuses to denounce the indefinite detainment and abuses at Guantanamo Bay, stating, “We refrain from taking a position on the legality of the detention center at Guantanamo Bay . . . Starbucks has the deepest respect and admiration for U.S. military personnel. We are extremely grateful to the men and women who serve stateside and overseas. We sincerely appreciate that they are willing to risk their lives to protect Americans and our values of freedom and democracy.”





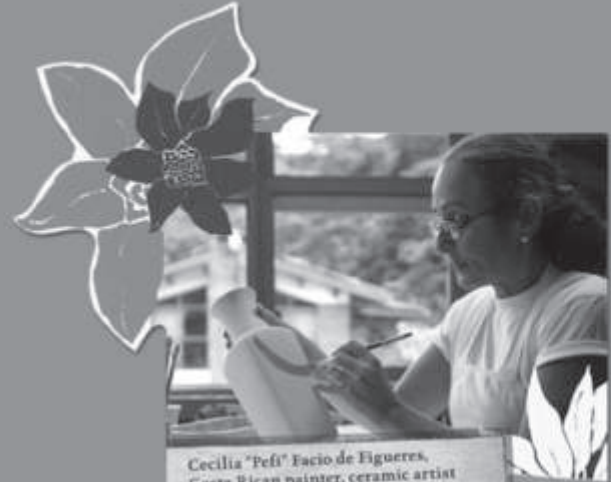


Yamiléth "Yami" Luna Arias, painter

## I am Starbucks

A self-taught painter from Heredia, Costa Rica, Yami strives to express the free spirit and exotic essence of her country in her art.

This message is made from 100% recycled paper pulped and finished in Latin America and includes 100% recycled ink. Thank you for your support.



Cecilia "Pefi" Facio de Figueres, Costa Rican painter, ceramic artist

## I am Starbucks

Educated in the craft by her artist mother, Pefi strives to communicate joy and positive energy in her work.



Mishal Awad Sayaf Alhabiri, Guantánamo Bay detainee until 2006

## I am Starbucks

In 2003 Mishal was deprived of oxygen for several minutes, as a result he has severe brain damage and is confined to a care facility for life. His brother believes the damage is from US guards beating him, the US says he tried to hang himself.

Starbucks, serving Guantánamo Bay since 2005.

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Sami Mohy El Din Muhammed Al Hajj, Guantánamo Bay detainee since 2001

## I am Starbucks

An al-Jazeera cameraman, Al Hajj was captured by American Forces in Pakistan traveling to Afghanistan for work with a legitimate visa. He has been in Guantánamo Bay since Starbucks, serving Guantánamo Bay since 2005.

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**Martha Rosler**

In 1982 I was en route somewhere and picked up a copy of *Newsweek* that—unusually, to my mind—featured a contemporary painting on the cover, a “realist” one by an artist whom I did not know. It struck me as odd that, in that moment of (neo-neo-) Expressionist, mostly Italian and German painting, the featured work was a modest little portrait of a sitting woman. But lo! the breasts of this young, rather ordinary looking woman, slightly slumped in her seat, were exposed. The headline was THE NEW REALISM. I opened the magazine and leafed past the ads and the table of contents. The first article caught my eye: a full-page *My Turn* column (the type now called “op ed,” or guest editorial). The title? *The Case for Torture*. I was shocked, and I was meant to be, for this article was a provocation. The belligerent, rhetoric-spouting Ronald Reagan was ratcheting up the Cold

War, smashing what remained of Jimmy Carter's détente by planting nuclear-armed Cruise missiles in Western Europe... and some obscure nut made his way onto *Newsweek's* front page arguing for the US to torture people—to embrace torture as policy. Such advocacy was unheard-of in polite, not to say academic, circles, and certainly in the media or official pronouncements. Officially, we as a nation were on the side of justice and human rights, although the previous decade had seen the chronic use of torture by the Latin American military and its death squads, by many reports under the tutelage of the US but denied, covered up, and unreported in the mainstream media. Torture and brutalization of military prisoners and suspected enemies had also reputedly been widely practiced during the war in Vietnam but quickly swept under the rug, along with the most widely publicized war crime, the My Lai massacre. As signatories to the Geneva Convention, the United States was an upholder of the rule of law and the dignified and humane treatment of prisoners—at least in public, and at least for home consumption. But now, in 1982, something seemed to have changed.

I discovered from the by-line and short bio that this tendentious screed, for that is what it was, was written by one Michael Levin, an obscure philosophy professor at The City College of New York. His argument mixed sentimental fears for hypothetical kidnapped infants and the equally hypothetical parental desire to inflict pain on the perpetrators, fear of Arab plane hijackers (a repetitive scenario in the 1970s), and fear of a nut with an atom bomb in Manhattan, where, of course, City College stands. The answer to the inevitable question

Levin poses, “Won't WE turn into THEM?” was predictable in advance. This smarmy fellow—later embroiled in a racist incident at his college—tried to argue that like the (failed) plot to kill Hitler, torture, judiciously applied, far from marking a descent into barbarism, was a moral imperative. Could you sleep at night if your prissy scruples led to the death of 6 or 8 million innocent New Yorkers?

Here is Charles Krauthammer, prominent “neocon” (former liberal turned hawkish right-wing scourge) and, interestingly, a trained psychologist, in his column of December 5, 2005, in the neocon journal *The Weekly Standard* (Vol. 11, Issue 12), “The Truth about Torture: It's time to be honest about doing terrible things.” He begins by categorizing types of enemies and reaches the heart of his subject:

Third, there is the terrorist with information. Here the issue of torture gets complicated and the easy pieties don't so easily apply. Let's take the textbook case. Ethics 101: A terrorist has planted a nuclear bomb in New York City. It will go off in one hour. A million people will die. You capture the terrorist. He knows where it is. He's not talking.

Question: If you have the slightest belief that hanging this man by his thumbs will get you the information to save a million people, are you permitted to do it?

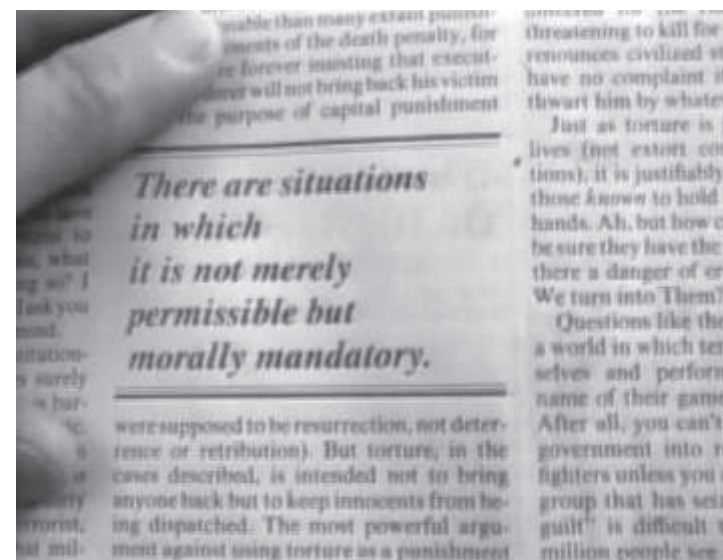
Now, on most issues regarding torture, I confess tentativeness and uncertainty. But on this issue, there can be no uncertainty: Not only is it permissible to hang this miscreant by his thumbs. It is a moral duty.

We have traveled a long way down the torture road since 1982—not least in the emergence of men like Krauthammer,



many following the arguments of Carl Schmitt (a legal and political theorist in Germany, a member of the Nazi Party referred to as "Crown Jurist of the Third Reich") on the necessity for secrecy in government and the adjustment, indeed suspension, of the rule of law in wartime to legitimize exigent situations ("states of exception"). The velvet glove has come off, as the US returns to the business of protecting its global hegemony, by sweet talk, posturing, and, if necessary, aggressive actions. A crucial step has been the identification of a new enemy to replace the fallen Evil Empire (as Reagan's speech writer dubbed the Soviet Union back in 1982, as we see in my videotape). The designated new demon is the Muslim Other, an enemy that came into clearer focus in the persons of criminal attackers such as those who crashed their planes into New York's World Trade Center in 2001. There is no doubt that many in the Muslim world are sworn enemies of the United States, or, further, that there are now international networks of militant Muslims and their supporters, who want to attack the US and its allies and inflict large casualties among civilians (the hallmark of terrorism). But, one hardly need stress, the question of who we are and what values and practices we uphold remains at issue. As a popular slogan has it, if we do such and such, the terrorists win. But it is impossible not to notice that the eight years of the Bush-Cheney administration have gone far toward instituting a police state and robbing us of many of our long-held legal and ethical principles—among them, indeed, fundamental elements (such as habeas corpus) of much of our legal system—as well as leading us to spend an ever-greater percentage of our budget on military matters. It is hard not to see this as a victory for those who deplore

the Western rule of law with its Enlightenment principles that value the ability to conduct public and private affairs free from the surveillance of moral police and (at least in principle) the state. So, if the question is, won't we turn into THEM, our presumably barbarian opponents, the answer depends on who is determining the defining characteristics of THEM. But by the logic underlying this point of view, they are the forces of darkness and we are the forces of light; logically, therefore, anything we do is done for the cause of good, while our opponents are unable to cross the divide into goodness without sharing our attitudes and goals and accepting our hegemony. We cannot become evil barbarians; we cannot become THEM, though they can become our junior partners, allies, or silent members of a grateful world.



Still from *A Simple Case for Torture or How to Sleep at Night*, 1983, 60 minutes.

As to identifying THEM, any serious sign of dissent from our leading policies in any group anywhere leads to the suggestion that that group or nation is not a friend, or worse, is an active opponent that could at any moment rise to the level of enemy. And any crime or designated outrage will serve to justify the most barbaric and inhuman treatment of our enemies, all for the cause of good. More often than not, outrageous incidents are invented or framed as part of a campaign of disinformation—an artful term for systematic government lying, also termed psyops (psychological operations), against the home audience, a practice pursued with single-minded determination since the Reagan White House (but with special fondness and dedication by the Republicans). It is the systematicity of the message (what George Bush has called catapulting the propaganda) that creates others as THEM, defined out of the category of humanity and repositioned as subhuman, fanatical, even indefatigable murderous beasts. This figure of the Enemy has been with us a long time. To quote former vice-president Al Gore (commenting on what many less politically prominent people have remarked upon—at least since Harold Lasswell's *Propaganda Techniques in the Great War* (1927; reprinted with a new introduction, 1971)—"the potential for manipulating mass opinions and feelings initially discovered by commercial advertisers is now being even more aggressively exploited by a new generation of media Machiavellis." Who are the "new generation of media Machiavellis"? It is sufficient to name one, of course, Rupert Murdoch, and sufficient, as well, to look at his creation of the television network Fox under the leadership of a Republican party operative, Roger Ailes. Fox relies on

Murdoch's long experience in trolling the bottom of the print media tabloids in England and Australia, exploiting gossip, scandal, and demagoguery. Like most of Murdoch's outlets, Fox's programming is a cover for its demagogic political message, whose Machiavellian slogans are "We Report, You Decide" and, more to the point, "Fair and Balanced" (an essay could be devoted to that particular slogan, but let me simply observe that surveys have revealed that the more people watch Fox, the less they know about public events; the signal delusion here is that Saddam Hussein was responsible for the events of September 11, 2001). Changes in the "media landscape" include the great slide in public confidence in the US in media objectivity (prominently featuring the desire to "blame the messenger" for the defeat in Vietnam, a tendency promoted by the right, both in and out of government) and the corollary repeal, under Ronald Reagan, of the Fairness Doctrine that had previously kept broadcast mass media from precisely the partisanship that Fox represents (the decision that Telecommunications law and regulations did not apply to cable, as opposed to broadcast, media was part of this great change). A related development has been the pronounced conversion of all forms of media to an entertainment model, egged on by media concentration in ever-fewer corporate hands, abetted by aggressive demands for ever-greater returns to shareholders even from print media like daily papers even as readership declines precipitously. We might observe that by the mid 1960s, the Situationists had systematically described the centrality of the image world to the conduct of advanced industrial (and post-industrial) Western capitalist society, dubbed the Society of the Spectacle.

A recurrent Latin American scenario to justify torture, has been the proposition “Suppose a little girl has been kidnapped” in the urban jungle: what police officer would not in good conscience torture half the city to find her and bring her home to her desperate parents? At present our script is different. We torture—or we DON’T torture we subject our uniformless, stateless enemy combatants to moderate stress and pressure short of outright organ failure—to protect the Homeland and the republic from bad news that could take the form of a mushroom cloud. (Or we send our captured ‘evildoers’ to other countries where they know what to do with them, our president has let us know, with a wink and a chuckle. Although this refers to our “rendition” of people whom we have kidnapped to Syria, Yemen, Libya, and other draconian regimes whom we otherwise denounce for their lack of care for “human rights,” it also seems to mean that we have sent people to our own newly constructed, highly technologized secret prisons in countries like Poland and Romania, in the Russian “near abroad”). In the 1980s, as we waged our dirty little—generally proxy—wars in Central and South America, the CIA manual for interrogation was leaked, causing great embarrassment and public disavowal by the military and the CIA. The more recent protocols for interrogation, the ones in use now, known as SERE (Survival, Evasion, Resistance, Escape), were developed by psychologists training US forces to withstand interrogation by an enemy, and the planned-for methods attributed to the barbarians underwent a turnabout and were adopted as our own methods. These include sleep deprivation and extreme isolation and sensory deprivation, and the application of other means of softening

people up psychologically, creating systems of rewards and manipulating fears, terrifying people, and in general making them emotionally dependent (as a Latin American torturer supposedly remarked to one of his victims long ago, we make reality in here). But it should be no surprise that—presumably like all governments—we abuse people when we decide it is in our interest, no matter how narrowly defined. What is different about the present moment is our willingness to publicly embrace cruelty, albeit by another name, and to insist on the need for astonishingly widespread, open-ended surveillance of the home population (a signal characteristic of a police state). And they are carried out by the CIA and the military alike, although the CIA has never, it seems, had such widespread involvement in detention and interrogation, as opposed to killing. The longer these stark changes in accepted practice go on without causing the government to fall (in whatever way that might happen in our system), the more emboldened the government becomes, and the more such practices and their rhetorical accompaniments are embraced. The tactics include not only water-boarding and forcible injection of fluids into bodily orifices as well as other violations of bodily integrity, simulated preparation for execution, prolonged exposure to cold or heat, confinement in tiny, dark spaces and, by and large, all the things Nazis were vilified for doing (vilified in the Allied press, by legal authorities in the postwar Nuremberg trials, and in a floodtide of popular postwar movies) and perhaps more.

Here is Charles Krauthammer from the article cited above:

We have recently learned that since 9/11 the United States has maintained a series of "black sites" around the world, secret detention centers where presumably high-level terrorists like Khalid Sheikh Mohammed have been imprisoned. The world is scandalized ... [but] I feel reassured. It would be a gross dereliction of duty for any government not to keep Khalid Sheikh Mohammed isolated, disoriented, alone, despairing, cold and sleepless, in some godforsaken hidden location in order to find out what he knew about plans for future mass murder. What are we supposed to do? Give him a nice cell in a warm Manhattan prison, complete with Miranda rights, a mellifluous lawyer, and his own website?... Let's assume (and hope) that Khalid Sheikh Mohammed has been kept in one of these black sites, say, a cell somewhere in Romania, held entirely incommunicado and subjected to [this] kind of "coercive interrogation".



Still from *A Simple Case for Torture or How to Sleep at Night*, 1983, 60 minutes.

In the August 15, 2007, issue of the *New Yorker*, as I write, Jane Mayer, in her article on the CIA's black sites, described the treatment of KSM (as Mohammed is called by his captors), supplying some of the details Krauthammer glosses over, and which the International Committee of the Red Cross has, in a confidential report, suggested is illegal according to international law. But Krauthammer, and no doubt millions of his fellow Americans, is reassured. Just as President Bush today denounces the Taliban as brutal, cold-blooded killers but fails to consider what it means systematically to employ air force bombers, ordnance-dropping drones operated from an air base in the Western US, or the newly announced bomb-carrying battlefield robots on a largely civilian population in Afghanistan and Iraq, the rationale surely is, if we do it, it is all right. If we violate international treaties and our own bodies of law in torturing people, surely it is all right. Can we doubt that the majority of German citizens under the Nazis thought this as well?

Back in 1982, I was pretty shaken by the pro-torture article and saw many ironies in the way it was embedded in that issue of *Newsweek*, one of the country's top two weekly news magazines. There it was, among articles about a New Realism in painting and a hateful set of letters about the adoption of a new posture of "victimhood," identified by the eagle-eyed right, in those who had finally protested getting the short end of the stick when it came to voting rights, wages, and social and economic opportunities of all kinds: women, blacks, Latinos, gays, native people—all those "whiners" and "weepers" unsatisfied with their lot, along with criminals who



did not want to be put to death, and the potentiators of all of that crap that made America weak and ungovernable... and economically less productive (because less disciplined by fears of unemployment) than Americans ought to be (and would be, darn soon).

The election of Ronald Reagan had brought about a different sort of New Realism, in which hard-hearted “Go Ahead, make my day” attitudes, expressed with a theatrically practiced nasty swagger and steely glint in the eye, would replace empathy and “love” (a signature Sixties’ idea). Patriotism and militarism would replace Carter’s international focus on “human rights.” Never mind the conscious appeal to racism and Christian suprematism that underlay the new mood, calculated to bring America out of the Jimmy Carter post-Vietnam malaise into a “USA!” moment. Reagan was the man who told a gathering of evangelicals that the fact that the US was set between the two oceans meant God had intended us to rule the Continent (compare Mr. Bush, Jr.’s, apparent discovery, about 25 years later, that planes could cross the oceans and harm us). In tune with this new mood of assertive messianism and aggressive triumphalism, advertising began to feature outsize desires for luxury goods, powerful cars, big houses, financial services (this was the “Greed is good” era), and, not coincidentally, images of sexy (and often covertly submissive) women and dominant white men, some of them appearing in this issue of *Newsweek*. (Earlier, in the 1970s, the more overtly sex-oriented and white-suprematist ads had largely disappeared, in tune with the public sentiments reinforcing the social movements of the day.) Ruling the continent meant, it seems,



Still from *A Simple Case for Torture or How to Sleep at Night*, 1983, 60 minutes.

what had already been enunciated, early in the 19th century, as the Monroe Doctrine: the control of North and South, and, of course Central, America, and, for that matter, the Caribbean.

My response to *Newsweek*'s feature was to make a videotape that would tie the pro-torture article to global and national trends—geopolitical “facts on the ground” and the presumed neo-imperialism of information technologies, from data management to advertising. I saw the pro-torture article as embedded in a stream of ads, letters, articles, and pictures designed to naturalize the US worldview and to instill fear through warnings about banking crises and a generalized xenophobia, a fear of the rest of the world.... a bombardment of terrors and distractions that would decenter the citizens of the Society of the Spectacle and warn them to step back

from the edge of political engagement into the cocoon of private preoccupations. I had no desire to make a discursive documentary deconstructing the torture essay point by point, poking holes in its logic. Nor did I want to make a work as slick as advertising in its visuals or visually arresting through the use of torture photos, which I believed would repeat the pacification of viewers that is a hallmark of spectacle culture. Instead, “torture” would be invoked through the steady bombardment of the viewer by ordinary forms of corporate information transmission. The scene was set for the work in the video studio, in my waterfront loft, in the city, with the use of books and toys, but most of all amidst the barrage of print, radio, and television that was coming to mediate (some might say dominate) our daily lives and experience, both private and public. The tape was meant as a meditation of sorts on the worldview implied by the article, taking up a few of its risibly offensive arguments but trying to look past it through the information blitz.

With ordinary people reading parts of the article and my script, the work opens with a car ride across the Manhattan Bridge into Lower Manhattan backed by a music score (recorded by a band I had met in Banff, Alberta, where I began working on the tape) and a reading of most of Levin’s article. The first ten minutes center on the article, with what was then an innovation: large words isolated on or moving across the screen and very tight pans across print images and headlines. (Very soon after, with the improvement of character generation and of broadcast-quality macro lenses, these effects would become a regular feature of advertisements, a development that undercuts how present-day audiences see this portion of this work.) The



Still from *A Simple Case for Torture or How to Sleep at Night*, 1983, 60 minutes.

separation of visual and audio tracks begins. The work then moves into a blizzard of articles that slide past the screen, their headlines teasing the eye, a ballet on which was overlaid an intermittent crawling text and, on the soundtrack, radio clips and a script based on Professor Levin’s article. The visual and sound clips address terrorism, the Red Army Faction (the “Baader-Meinhof” group) and the draconian German responses, US and worldwide economic trends, and advertising; most central, however, the clips center on state terrorism and torture primarily in Central and South America, often with US complicity, as well as the newly prominent nuclear brinksmanship, not to mention the way in which the media convey government messages, including disinformation.

Later in the work, a tenor sings an a capella song whose lyrics center on economic woes, jungle imagery, the new investment value of art, and the taste for authoritarian leadership and

patriarchalist neo-neo-expressionist painting in times of uncertainty.

When the economy shrinks, the whole world shrinks,  
Darkness and chaos press in all around

The final section of the work uses philosopher Michel Foucault's discussion of the role of torture and hanging in the public square and its changing effect on the sentiment of the crowd. A hand reaches into the frame and places a tiny gold crown on the photo of the torture column's author, as the characteristics of the strongman political leader, detailed by Theodor Adorno, appear on the screen. The final words, a quote from Adorno, are apparently spoken—thanks to the miracle of video editing—by an ABC reporter standing on a street corner somewhere. The work closes with a series of propositions on what makes authoritarianism attractive to a democratic electorate.

This is a work begun in 1982 about the saber-rattling militarism and “small wars” that were held to be the picture of war fighting for the foreseeable future (despite the constant invocation of the nuclear threat). Some of this has stayed the same, but in the interim among the worst developments is unquestionably the all-but-public embrace of the official use of torture as a regular method of obtaining information from detainees and terrorizing everyone else, along with the suspension of the right of habeas corpus, the arrogation to the president of monarchic privilege, and the advancing of a surveillance society that economically is increasingly divided

into the very rich and the poor: what long ago was called, by Noam Chomsky and others (and cited in my 1982 work), the Latin Americanization of the United States; that process has always included the use of abuse, torture, disappearance, and extra-judicial killing as part of the arsenal of coercion on behalf of economic and political elites. It is up to us, as always, to press back against these abuses and to work to create a human community marked by justice and universal rights.

HELLO, AND WELCOME TO THE GAME.

IF YOU ARE READING THIS, YOU NOW HAVE  
A CHOICE TO MAKE.

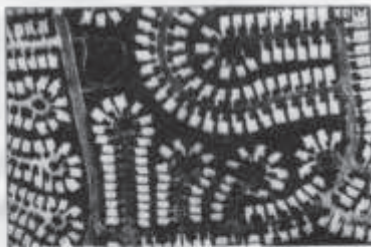
YOU CAN:

A: FINISH READING THESE DIRECTIONS AND  
BECOME 'THE MAN'.

B: WALK AWAY.

C: IF SOMEONE IS ALREADY THE MAN  
PLEASE FOLLOW THE DIRECTIONS ON THE  
FLOOR.

GREAT! NOW WALK OVER TO THE TOOL BOX IN  
THE RIGHT HAND CORNER AND OPEN IT FOR  
FUTHER DIRECTIONS.



NOTE: ANY PARTICIPATION IN THIS GAME YOU SUBJECT YOURSELF TO VIDEO DOCUMENTATION.

#### AN EXERCISE IN POLITICAL ALLEGORY

When approaching the topic of torture in this country and engaging in discourse about politics for my Special Topics class, I felt very frustrated and confused. This led me to examine my own history of political awareness as an American citizen:

Born, raised, and educated in America I feel detached and removed from the political agenda of this country's current Administration. I even feel discomfort around my own personal political history - a Mexican-American/Chicano history that had almost completely been erased from my public high schools textbooks. Coming from San Francisco to Valencia to be privately educated at CalArts I have experienced a sense of detachment within the suburban landscape and CalArts as an institution.

As an American citizen I am being told not to worry, that my government will take care of the problems of the world- what's out of sight is out of mind. Be a consumer. Buy more. With the internet, ipods, myspace and more there is so much to distract from politics. I must either choose media representations or be left to my piece together my own truths with fragmented news reports, history books, etc. As an artist I can't escape feeling how scripted and assuming everything was on the behalf of the police at the recent rally in downtown LA. Even the change in CalArts core curriculum from teaching about landscape development<sup>1</sup> and Michel Foucault<sup>2</sup> to the study of impressionism and surrealism seems remnant of a change toward removing the educated young citizen from a political framework.

This sense of isolation makes approaching the topics of politics within discourse feel to me as if it were an intended reiteration of my prescribed political detachment. Torture in this country is being legalized and I feel totally bewildered. How does this come up against my own strong sense of Social Justice? How did it come to pass and why? THE GAME is my interpretation of the 'how' in this question. It serves as a way for me and others to be placed back into immediate contact with political subject matter while demonstrating the power dynamics played out everyday within the United States of America.

*Amanda Vigil*

<sup>1</sup> Picture on front is a culvesac designed and structured for suburban landscaping.

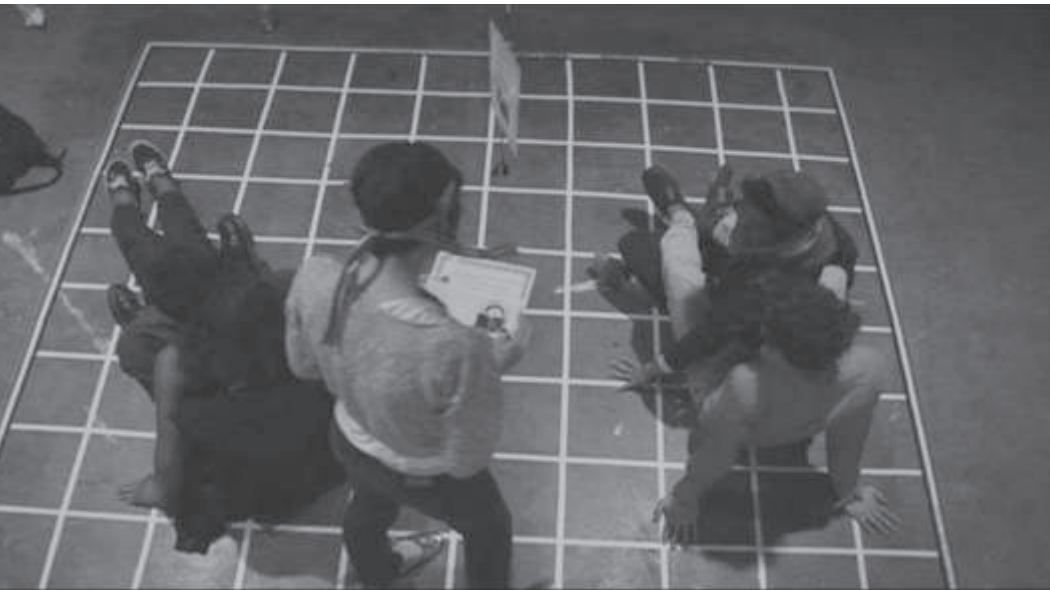
<sup>2</sup> Picture on the back Jeremy Bentham's blue print of a Panopticon used as metaphor for Michel Foucault's *Discipline and Punish*.

<sup>3</sup> In his own words, Jeremy Bentham's description of the Panopticon quoted from Wikipedia.com



## THE GAME: An exercise in political allegory

The game we play  
The Royal We  
WE the people  
US  
Citizens of  
The United States of America



### THE PROPS:

1. One headband with THE MAN written across it
2. Two blindfolds
3. TOOL BOX
4. THE SPEECH written instructions to THE GAME  
Placed in TOOL BOX with the headband and blindfolds.
5. GAME BOARD (optional) RED WHITE & BLUE color themed

(No less than 3 people can play this game at once.)

### THE RULES of THE GAME:

1. Give written or verbal instructions to the crowd to initiate the first game
2. Instruct your audience to find a partner. Decide who will be person A or person B.
3. Sit on the floor and await further instructions from THE MAN
4. Written or verbal instructions for a volunteer to become THE MAN
5. THE MAN must follow all the rules and read THE SPEECH aloud.

"a new mode of obtaining power of mind over mind, in a quantity  
hitherto without example."

- Jeremy Bentham





#### THE SPEECH

HELLO, AND WELCOME TO THIS ROUND OF THE GAME.  
HERE ARE YOUR INSTRUCTIONS:

SITTING IN THE FRONT, PERSON A:

YOUR OBJECTIVE IS TO REACH UP AND TOUCH MY SHOULDER.

SITTING IN THE BACK, PERSON B:

YOUR OBJECTIVE IS TO STOP THEM BY WRAPPING YOUR ARMS AND YOUR LEGS  
AROUND THEIR BACK.

THERE IS NO BITING, SCRATCHING, HITTING, PINCHING OR GRABBING OF ANY  
INAPPROPRIATE PLACES ALLOWED.

AS 'THE MAN', I DECIDE WHEN THE GAME STARTS. IF I POINT TO YOU AND SAY "GO!"  
THE GAME BEGINS.

WHO EVER REACHES MY SHOULDER FIRST WINS!

IF YOU WIN, YOU ASSUME MY POSITION AS "THE MAN" AND I STEP OUT OF THE  
GAME.

AS "THE MAN", I MUST REMAIN STANDING AT ALL TIMES WITHIN THE BOUNDS OF THE  
BOARD. I HAVE TWO BLINDFOLDS THAT I MAY USE ON ANY TWO PEOPLE PLAYING.  
EVERY ROUND IS A NEW OPPORTUNITY FOR YOU TO BECOME "THE MAN!"

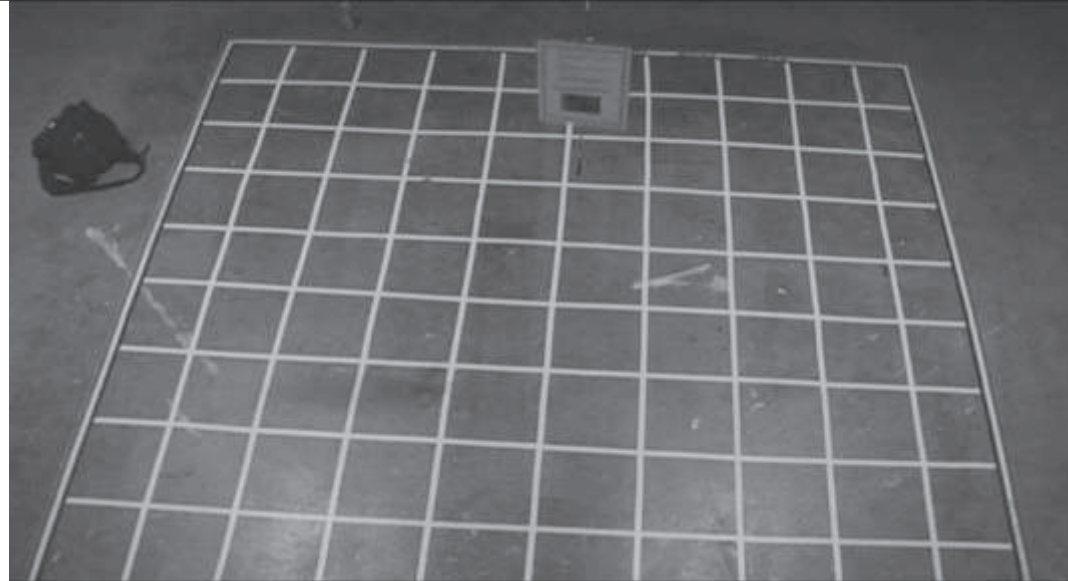


THE GAME is constructed and modeled after Jeremy Bentham's Panopticon.

Panopticon is a type of prison building designed in the late eighteenth century. The concept of the design is to allow an observer to observe (-opticon) all (pan-) prisoners without the prisoners being able to tell if they are being observed or not, thus conveying a "sentiment of an invisible omniscience." \*

The participants in these images are specifically undergraduate and graduate students from the California Institute of the Arts, spring semester 2007 on a Thursday night from 8pm to 11pm. \*

The images that you see are taken from video documentation of one out of 10 or so games played that night.



The camera was linked to a video monitor producing a live feed image suspended from the ceiling above THE GAME. \*

The participants had no way of knowing when or if they were being filmed. Each game took about 10 minutes in length or more to win. \*

What you do not see in the photos is the area around the game. It was filled with people watching, asking questions, talking, drinking, shouting, laughing and taking pictures as the game progressed. \*

THE GAME demonstrates the ways in which power dynamics play out in the United States and the positions we engage.

## Drawing Lines

---

it seems to come down to lines.

it comes down to "the notional limits or boundaries" that define where "i" stops and the world begins.

what possibilities lie in a mark, created through an exchange between one or more people, made within the boundaries that have been historically dictated – often mutated - by a group of people large enough to be called society?

lines are the regional boundaries on maps and the roads and routes that cross over them.

laws are lines;  
crosswalks, campaign finance restrictions,  
specifically permitted interrogation methods.

a line is the shape of an orderly body of people waiting to buy groceries or gasoline - waiting to apply for visas.

a line is the tightening of someone's smile in the way that lets you know they would like you to change the subject.

lines are one way to describe the infinite set of explicit and implicit rules that indicate how we are supposed to behave in relationship to those around us.

our individual and collective agency seems to lie in the hows and wheres and whys, in the lines we choose to draw.

carlin wing



AN-OTHER PERSON  
BODY  
GROUP



...an excerpt of the definition of the word **line** as given by the New Shorter OED...

**CAN YOU LOCATE THE IDEOLOGY OF**

AN-OTHER PERSON  
BODY  
GROUP



... 1 A (piece of) rope, cord, or wire, esp. as serving a specified purpose. OE. b ...

**A SOCIETY,**



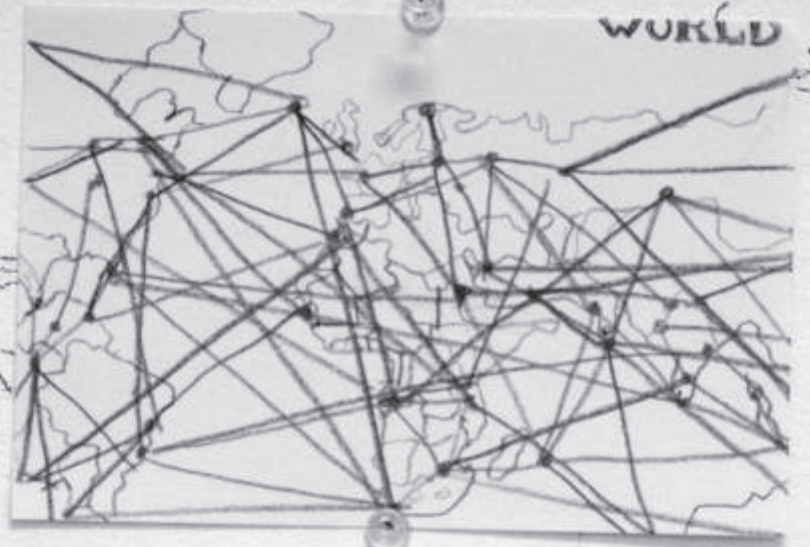
AN-OTHER PERSON  
BODY  
GROUP



...7 A row of persons or things; *N. Amer.* a queue M16. b In certain team games...

**IN THE DEFINITIONS OF ITS**

AN-OTHER PERSON  
BODY  
GROUP



...10 A regular succession of buses, ships, aircraft etc. plying btwn certain places...

**WORDS?**















Further reading:

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## **ID 517: Special Topics in Art and Politics: A Not So Simple Case for Torture**

This book is a project from a class co-taught by Nancy Buchanan and Sam Durant at California Institute of the Arts (CalArts) during the spring semester of 2007. Except where noted, all content was produced by the students.

Nancy Buchanan is a video and mixed media artist. Sam Durant is a visual artist. Buchanan and Durant both live and work in Los Angeles and teach at CalArts. Martha Rosler is an artist who lives and works in New York City. She teaches at the Städelschule in Frankfurt and Rutgers University, New Jersey.

Special thanks to our colleagues at the California Institute of the Arts, who made this class and its related projects possible: Nancy Uscher, Provost, Steve Anker, Dean of the School of Film/Video and Thomas Lawson, Dean of the School of Art, and Eungie Joo, Gallery Director, REDCAT, all of whom encouraged our faculty collaboration and provided the necessary funding. We would also like to thank our guest speakers, Dev Nathan, Gabriele Schwab, Ashley Hunt and Nasreen Adaya Haroon. Our appreciation for technical support from Video Studio Engineer Gordon Kurowski and Assistant Engineer Astra Price as well as Art School Operations Coordinator Sharon Yeates, who provided administrative support, and our remarkable Teaching Assistant, Audrey Chan. Thanks to Fiona Jack and Candice Lin for their invaluable help in all aspects of constructing this volume. Finally, our deepest thanks to the students in ID 517 who brought such energy and creativity to this difficult subject, and of course to Martha Rosler, whose fearless integrity inspired the project in the first place.

A PROJECT BY STUDENTS AT CALARTS with  
NANCY BUCHANAN, SAM DURANT AND MARTHA ROSLER

## **ID 517: Special Topics in Art and Politics: A Not So Simple Case for Torture**

First edition limited to 250 numbered copies.  
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Photographs on pgs 22-23, 40 by Scott Groler

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Designed by Fiona Jack and Cal Crawford

Printed and bound in France

2008 Buchanan, Durant, Rosler & onestar press

onestar press  
16, rue Trolley de Prévaux  
75013 Paris France  
info@onestarpress.com  
www.onestarpress.com

/250