

## Marshall Billingslea, Nominee for Under Secretary of State for Civilian Security, Democracy, and Human Rights, Linked to Torture

The administration has nominated Marshall Billingslea to be Under Secretary for Civilian Security, Democracy, and Human Rights at the Department of State. This fact sheet details Billingslea's involvement during the George W. Bush Administration in developing and advocating for unlawful interrogation practices, including several that constitute torture.

**As Principal Deputy Assistant Secretary of Defense, Billingslea recommended the use of interrogation techniques that constitute torture or cruel, inhuman, or degrading treatment.**

☑ In internal Department of Defense (DOD) meetings in early 2003, Billingslea pressed to use harsher interrogation procedures on detainees held at the Guantanamo Bay detention facility, despite resistance from military officers. As recounted by Major General Thomas Romig, who was at the time the Army's Judge Advocate General, Billingslea argued for the use of such interrogation techniques by [saying](#):

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***"Guys, it's time to wake up and smell the coffee. It's time to take the gloves off."*<sup>1</sup>**

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☑ The phrase "take the gloves off" was [used repeatedly](#)<sup>2</sup> during the Bush Administration to

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<sup>1</sup> Tom Lasseter, "Easing of laws that lead to detainee abuse hatched in secret," *Miami Herald*, (June 2008).

<sup>2</sup> "What Happens When the Gloves Come Off," Human Rights Watch, <http://www.hrw.org> (April 8, 2008).

justify unlawful detainee abuse, and has [become synonymous with torture](#).<sup>3</sup> For example, Secretary of Defense Donald Rumsfeld told military interrogators to "take the gloves off" while interrogating American Taliban recruit John Walker Lindh. According to court papers, Lindh was subsequently stripped naked and "tied to a stretcher in interrogation sessions that went on for days."<sup>4</sup>

☑ Billingslea took part in an internal DOD working group in which he recommended the use of interrogation techniques that constitute torture. In early 2003, Billingslea served as a member of a senior-level [working group](#) assembled by DOD to review the legality and effectiveness of certain interrogation techniques and to recommend whether or not to use them. Some members of the working group, including Billingslea, issued a report—completed without the knowledge of its dissenting members—recommending that the Secretary of Defense authorize the use of [35 interrogation techniques](#).<sup>5</sup> Several of the techniques recommended constitute [torture](#) or cruel, inhumane, or degrading treatment.<sup>6</sup> These

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<sup>3</sup> "Interview Roger Brokaw," Frontline PBS, <https://www.pbs.org/> (September 24, 2005).

<sup>4</sup> Richard A. Serrano, "Prison Interrogators' Gloves Came Off Before Abu Ghraib," *LA Times* (June 2004).

<sup>5</sup> Department of Defense, *Working Group Report on Detainee Interrogations in the Global War on Terrorism: Assessment of Legal, Historical, Policy, and Operational Considerations*, (April 4, 2003), 61-65.

<sup>6</sup> Committee on Armed Services United States Senate, "Inquiry into the Treatment of Detainees in U.S. Custody," (2008), 111.

included sleep deprivation, isolation, use of phobias, nudity, and threats to transfer detainees to another country where they would also be tortured.<sup>7</sup> Throughout the deliberations, several members of the working group raised objections concerning the direction of the report. For example, then-General Counsel of the Navy Alberto Mora described the standard the group was ordered to use to determine the legality of the techniques as a “travesty of the applicable law.”<sup>8</sup> This standard, set by the Justice Department’s Office of Legal Counsel (OLC), would have categorized torture and cruel treatment, which are illegal under [domestic and international law](#), as lawful acts.<sup>9</sup>

- ☑ According to the Senate Armed Services Committee [report on detainee treatment](#), not only did Billingslea fail to raise objections to the use of the OLC’s torture [memo](#)<sup>10</sup> or to the controversial techniques themselves, he also pushed for inclusion of the harshest techniques in the working group’s report. On April 5, 2003, Chairman of the Joint Chiefs of Staff Richard Myers recommended to Secretary of Defense Rumsfeld that, of the 35 techniques examined by the working group, only a smaller sub-set of 24 techniques be used. Five days later, Billingslea sent a memo to the Secretary of Defense recommending that all 35 of the techniques be used—noting that they were all “endorsed by the Working Group,” despite the exclusion of some members from the drafting of

the final report.<sup>11</sup> These 35 techniques included threats to transfer a detainee to torture, prolonged standing, and slapping. While not all of the harshest techniques Billingslea recommended were immediately approved by Secretary Rumsfeld, many were later implemented to torture or otherwise abuse detainees.<sup>12</sup>

#### **Billingslea pushed for additional torture techniques to be used on a specific detainee: Mohamedou Ould Slahi.**

- ☑ Working under Secretary Rumsfeld in July 2003, Billingslea received a copy of the interrogation plan for a detainee at Guantanamo Bay named Mohamedou Ould Slahi.<sup>13</sup> One technique included in the plan, [sound modulation](#), had not been recommended for use by members of the working group. Sound modulation includes playing songs loudly on repeat for long periods of time in order to mentally break a detainee and prevent them from sleeping.<sup>14</sup> The Army Field Manual on interrogations at the time described sleep deprivation, another technique in the plan, as a form of “mental torture”.<sup>15</sup>

Billingslea recommended that the Secretary of Defense approve these techniques. He noted that, “We don’t see any policy issues with these interrogation techniques,” and emphasized that the DOD Office of General Counsel determined that they were lawful, despite the fact that some of these techniques constitute torture.<sup>16</sup>

<sup>7</sup> Department of Defense, *Working Group Report on Detainee Interrogations in the Global War on Terrorism: Assessment of Legal, Historical, Policy, and Operational Considerations*, (April 4, 2003), 61-65.

<sup>8</sup> Committee on Armed Services United States Senate, “Inquiry into the Treatment of Detainees in U.S. Custody,” (2008), 121.

<sup>9</sup> Human Rights First, “Torture and Cruel Treatment: Prohibitions Under Domestic and International Law,” (2017).

<sup>10</sup> Jane Mayer, “The Memo,” *The New Yorker*, <https://www.newyorker.com/magazine/2006/02/27/the-memo> (February 27, 2006).

<sup>11</sup> Committee on Armed Services United States Senate, “Inquiry into the Treatment of Detainees in U.S. Custody,” (2008), 131.

<sup>12</sup> Office of the Secretary of Defense, “Counter-Resistance Techniques in the War on Terrorism (S),” (April 16, 2003).

<sup>13</sup> Committee on Armed Services United States Senate, “Inquiry into the Treatment of Detainees in U.S. Custody,” (2008), 138.

<sup>14</sup> Kelsey McKinney, “How the CIA used music to ‘break’ detainees” *Vox*, [www.vox.com](http://www.vox.com) (December 11, 2014).

<sup>15</sup> Department of the Army, *FM 34-52 Intelligence Interrogation* (1992), 1-8.

<sup>16</sup> Committee on Armed Services United States Senate, “Inquiry into the Treatment of Detainees in U.S. Custody,” (2008), 138.

- ☑ Secretary Rumsfeld approved the techniques recommended by Billingslea, which were subsequently used to [torture Slahi](#),<sup>17</sup> despite the fact that Slahi had already agreed to cooperate with his interrogators.<sup>18</sup> Slahi was shackled and forced to stand for long hours with loud music constantly playing. This treatment was repeated for several days. By the end of his torture, documents from the prison suggest Slahi's mental health was deteriorating. Slahi himself admitted that he had begun hearing voices in his head<sup>19</sup> due to the psychological torture.
- ☑ The torture with the techniques approved by Billingslea and Secretary Rumsfeld marred attempts to prosecute Slahi. Lieutenant Colonel Stuart Couch, the Marine officer charged with prosecuting Slahi in a military commission, investigated how the evidence for his case was produced, and stated the following: "it became clear that what had been done to Slahi amounted to torture."<sup>20</sup> In March of 2004, LtCol Couch resigned, noting that this case was [tainted by torture](#) and raised many legal and ethical issues.<sup>21</sup>

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<sup>17</sup> "'Guantanamo Diary' Author to Rejoin Family in Mauritania After U.S. Review Board Cleared Way for Release," *ACLU*, [www.acul.org](http://www.acul.org) (October 17, 2016).

<sup>18</sup> Committee on Armed Services United States Senate, "Inquiry into the Treatment of Detainees in U.S. Custody," (2008), 140.

<sup>19</sup> *Ibid*, 140.

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<sup>20</sup> "Torture at Guantanamo: Lt. Col. Stuart Couch on His Refusal to Prosecute Absued Prisoner," *DemocracyNow*, [https://www.democracynow.org/2013/2/22/torture\\_at\\_guantnamo\\_lt\\_col\\_stuart](https://www.democracynow.org/2013/2/22/torture_at_guantnamo_lt_col_stuart) (February 22, 2013).

<sup>21</sup> Daphne Eviatar, "Mohamedou Slahi's release highlights failure of enhanced interrogation policy" *Jurist* (March 25, 2010).