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Torture and Myth, Part Two: The Politics of Torture

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In my last column, I described a cherished American myth: When we imagine our security threatened, we lose our collective heads and engage in reprehensible behavior, which affords us the calming illusion that a strong hand is at the helm. Years later, after the damage is done, we ritualistically express our regret and vow to do better next time, until the next time comes and the process repeats.

I call it the myth of deviation and redemption. Like all civic myths, it plays an important national role. This particular myth relieves actors of responsibility for their misdeeds. No one actually *does* anything. Madness simply overtakes us. Among other virtues, the myth serves our perennial ambition of contributing to national unity by sanding down the rough edges of American history.

After the Senate Select Committee on Intelligence released the torture report, the Obama Administration, abetted by most of the mainstream media, dutifully repeated this myth. Mistakes were made, bad things happened. We lost our bearings and rushed to embrace torture in the terrifying wake of 9/11. Why? Because that's what we do. Fortunately for us, that was then and this is now. We've redeemed ourselves.

As I demonstrated in my last column, this is simply not what happened. Contrary to the myth, "we" did not demand that suspects be tortured in the immediate wake of 9/11. Bad things did not "just happen." For more than 7 years after the attacks, including the first fraught months when

the great majority of Americans believed they or their loved ones were likely to be the victims of a terrorist attack, both elites and the mass public opposed torture, and support for it was consistently quite low.

But that has all changed. Now, when the risk of a terror attack in this country is quite low and fear has receded, support for torture is at record levels. For that, we can thank the politics of torture.

Torture, American Style

The road to the current state of play began in earnest when President Obama ended the Bush administration's torture program in late January, 2009. Almost immediately, the right leapt into action. The issue could now be reframed from whether the Bush administration was correct to start the program to whether the Obama administration was correct to end it.

The right was relentless in its attacks on the president. Among the earliest critics was former Vice President Cheney, who denounced Obama's decision as "recklessness cloaked in righteousness." The "enhanced" techniques, he said, "were used on hardened terrorists" and only "after other efforts failed. They were legal, essential, justified, successful, and the right thing to do" and "prevented the violent death of thousands, if not hundreds of thousands, of innocent people."

But it is essential to understand that the partisan attacks on the president, by themselves, would not have been enough to produce the current state of play. Far more important, but less appreciated, was the determined effort to align torture with national values.

Though a number of arguments in defense of torture can be heard in the public square, one now dominates the field and can be stated with frightening clarity: some prisoners were tortured, but the agents were acting in good faith and thought it was necessary.

Thus, rather than try to suggest that suspending a prisoner naked for hours at time from hooks in the ceiling while periodically dousing him with cold water is somehow humane, or that "rectal infusions" can be justified as an interrogation technique, the people in this camp accept that the CIA deliberately tortured prisoners. But at the same time, they insist it was a necessary evil—no less evil because it was necessary, but no less necessary because it was evil.

Having decided that torture was done in good faith, the argument then finds indispensable solace in American values by insisting that the United States restricted the use of torture in ways that continue to demonstrate American exceptionalism. In that way, "our" torture is much better than "their" torture.

Unlike torture as they practice it, the United States tortured only when absolutely necessary. Our motives were as pure as the nation itself. Unlike the barbarians we face, we tortured only to gather lifesaving intelligence, and not simply to gratify our sadistic nature.

While they torture for any reason or no reason—simply because they were savages—we tortured only because they had forced us into an impossible dilemma: either torture or allow innocent men, women, and children to be slaughtered. In short, we tortured *because* we were civilized; they because they were not. We were motivated and constrained by our values, which continued to distinguish “us” from “them.”

We now see this line of “reasoning” everywhere. Consider, for instance, the remarks of former CIA agent and frequent Fox News guest Wayne Simmons. As I noted in my first column, shortly after September 11, when torture remained taboo, Fox News invited Eric Haney to its programs. Haney, the retired founder of the elite army special operations unit, Delta Force, emphatically rejected all “strong arm tactics” and cautioned that some prisoners just don’t respond to interrogation. But after the right embraced torture, Haney made no additional appearances on Fox.

Instead, Fox came to rely on the much more dramatic Simmons, who was asked in one interview whether torture should ever be used by American personnel to get information. “What I can tell you,” he answered, “is we’re not going to slice someone’s arm open and dump salt in the wound. That’s preposterous, we don’t do that.”

On the other hand, “am I going to make someone very, very uncomfortable? I’m absolutely going to do that, especially if I know that the intel is time-sensitive. That’s what it comes down to. If . . . I know that somebody’s planted some bombs in Manhattan and we have 24 hours to find them, you can bet that 99.99 percent of Americans would tell me to do whatever I had to find those bombs.”

When asked whether making someone “very, very uncomfortable” might constitute torture, Simmons was more explicit. “Listen,” he said, “waterboarding is acceptable; hooding is acceptable; putting people in freezers, quite frankly, until they’re very uncomfortable is acceptable. What I consider torture . . . is if we’re lopping off heads, if we’re cutting off digits, if we’re using hammers on fingers like the enemy does to our people, but no one seems to care about that.”

Sharpening the lines between our torture and theirs is abetted by the next step in the process. The Americanization of torture demands also that we be granted *moral authority*. Because of both the nature of the war on terror and the nature of terrorists, any sovereign would be justified in doing much more than the United States had done.

“Let’s put it right on the table,” Simmons once said. “These are sub-humans. These are very, very smart sub-humans. Their sole goal in life is to kill us, to kill the West, to kill your children, to take us down.” “And I might add, once these barbarians against humanity have decided to become terrorists, their lives as they know it is over. All bets are off against these guys.”

“I lived with these animals,” he said on another occasion. “This is a sub-human species of somehow a deviation of the human, of the true human. They care for nothing. They kill everything in their path. . . . I lived with them. I ate with them. I slept with them. I drank with

them. I have watched them slice the throats of human beings two feet from me, pull their eyes out, cut their fingers out.”

Simmons’s view, though perhaps more colorfully put, is typical among those who defend torture. As the conservative commentator Charles Krauthammer put it, “Anyone who blows up a car bomb in a market deserves to spend the rest of his life roasting on a spit over an open fire. But we don’t do that because we do not descend to the level of our enemy. We don’t do that because, unlike him, we are civilized. Even though terrorists are entitled to no humane treatment, we give it to them because it is in our nature as a moral and humane people.”

Thus, though the United States was morally authorized to do much more than it had done, it acted with deliberate and appropriate restraint, or so the argument goes. Unlike “their” torture, which was meant only to prolong a prisoner’s agony before he was killed in some gruesome fashion, every technique employed by the United States had been carefully and exhaustively vetted.

Because we are dedicated to the rule of law, every method, whether applied in isolation or in combination, had been carefully studied by a small army of elite lawyers to ensure compliance with both domestic and international law. Because we are humane, every interrogation was supervised and monitored by psychologists and medical personnel to ensure that the prisoner was in no real danger. And because we are committed to the dignity of the individual, no interrogation went farther than was absolutely necessary. There would be no greater assault on human dignity than circumstances required.

And when the interrogators were done, the prisoners were given the best American care—far beyond what they deserved and far better than they received in their home countries. Speaking on the Senate floor in February 2009, Senator James Inhofe (R-OK), expressed a common sentiment on the right when he said of the prison at Guantánamo, “I can say without any doubt in my mind that I have never seen a prison where people are cared for better than they are there. . . . None of these detainees would ever have treatment like that back in their country of origin.” In any other country, their fate would be far worse. As Fox News’s Bill O’Reilly put it, “every nation in the world does 30 times worse than we do.”

Finally, because we are a nation of laws, if an interrogator ever broke the rules—and supporters of torture admit that such things happened occasionally—there were consequences. “Isolated individuals here and there may abuse their authority and violate existing laws and policies by their treatment of prisoners,” Thomas Sowell wrote in *Human Events*, “but the point is that these are in fact violations.”

At this point in the defense, the infamous torture memo assumes particular importance. In a country that routinely confuses “legal” with “morally legitimate,” the torture memo provides an important source of public legitimacy. Its turgid, heavily footnoted prose is precisely the sort of almost impenetrable gibberish that many associate with erudition. The memo *looks like* impressive legal reasoning, just as a blackboard covered with equations and esoteric symbols *looks like* higher mathematical reasoning, even though to a trained eye it may be nonsense.

The great majority of people will never read the memo itself, any more than they would read the empirical evidence on the economic effect of deficit spending. Instead, they will rely on the judgment of others whom they trust, who use the memo to support one view or another. “I have read the memo about waterboarding,” Karl Rove once told Sean Hannity on Fox News, “and [determined that the enhanced techniques] are not torture. And so did a lot of lawyers who have great expertise in these issues, and the Justice Department and the Defense Department and the State Department.”

Torture’s Bipartisan Appeal

Today, torture is no longer outside the range of acceptable opinion. Indeed, for some audiences, a *failure* to support torture comes close to apostasy. During the 2012 primary campaign, nearly every Republican candidate endorsed the “enhanced” techniques, including waterboarding:

- Mitt Romney (“I do not support torture, but I do support enhanced interrogation techniques to learn from terrorists what we need to learn to keep the bombs from going off”)
- Michele Bachmann (“If I were president, I would be willing to use waterboarding. I think it was very effective”)
- Herman Cain (“I don’t see it as torture. I see it as an enhanced interrogation technique”)
- Rick Perry (“I am for using the techniques, not torture, but using those techniques that we know will extract the information to save young American lives. And I will be for it until I die”)
- Rick Santorum (“Some of this information that . . . led to Osama bin Laden actually came from these enhanced interrogation techniques”).

Nor should any Republican candidate fear that support for torture will cost him votes among the rank and file. The most recent poll on this matter, taken in December 2014 after the release of the Senate report, shows that more than eight in ten Republicans think torture can be appropriate.

Moreover, this endorsement is not confined to Republicans. The same poll found widespread support among independents and moderate Democrats. Compared with polling results during the Bush era, support for torture is now remarkably widespread.

Torture and Myth

The imagined difference between our torture and theirs is more than mere words. Embedded within this distinction is an entire story that a great many people have come to believe in an effort to make wretched behavior congenial to national values. *They* inflict gratuitous pain because they are savages; *we* seek lifesaving information to protect the innocent. *They* show no restraint or respect; *we* remain within the law and make every effort to preserve even a terrorist’s dignity.

For those who now support torture, theirs conjures up mental pictures that can never be confused with ours. An entire world can be made to fit within this imaginary space. Contrary to the myth of deviation and redemption, Americans embraced torture only after the fear of another attack

had all but disappeared, only when torture became politically charged, and only after torture apologists recast torture as the American way.