

The Rear-Guard Defense of Torture

Official U.S. policy is to decry torture at least when done by adversaries but ambiguities abound when U.S. operatives do the torturing. Then, torture becomes debatable and its defenders go on TV talk shows and even get honors from universities, as ex-CIA analyst Ray McGovern notes.

By Ray McGovern

John Rizzo, the CIA's former Acting Counsel General, is feeling the heat for his role in blessing what President Barack Obama has now admitted was "torture" during the Bush/Cheney administration. Rizzo went on friendly Fox News to charge that the (still withheld) Senate Intelligence Committee investigation report on torture reflects a "Star Chamber proceeding" and accused some lawmakers of "craven backtracking," claiming that they had been briefed on the interrogation program years ago.

Rizzo also revealed that he and other former CIA officials implicated in the torture scandal have found an ally of sorts in current CIA Director John Brennan, who was a senior aide to CIA Director George Tenet when the torture practices were implemented and who is now leading the rear-guard defense against the Senate report.

"He's been with us 'formers' during this period. He has been the honest broker," Rizzo told Fox News. "He has done the best he can. He is in an extraordinarily difficult position."

Rizzo's audacity in defending torture should have prompted some kind of reaction like the one that finally called Sen. Joe McCarthy to account: "Have they no sense of decency, at long last? Have they left no sense of decency?" But Rizzo, like other defenders of the "war on terror" torture policies, have yet to face any meaningful accountability. Rather, some like Rizzo remain respectable figures.

Exhibit A was the fawning reception accorded Rizzo earlier this year at Fordham Law School. After that event, I wrote the following column for "The Catholic Worker," where people care about public issues of morality:

I could hardly believe my eyes as I read that John Rizzo, the CIA lawyer who got the Justice Department to approve CIA interrogations using "enhanced interrogation techniques," had been invited to speak at Fordham Law School on Jan. 30, 2014. Rizzo would be discussing his book, *Company Man: Thirty Years of Controversy and Crisis in the CIA* an unapologetic apologia for his behavior in cooperating with faux lawyers in the White House and the Justice Department who

authorized techniques like waterboarding, when he had ample legal precedent to justify his simply saying “No,” and trying to stop the torture. What lessons would aspiring lawyers at Fordham learn from Rizzo?

I traveled up from Washington, DC, because I needed to see for myself how Rizzo would try to defend abhorrent practices now euphemistically labeled “EITs,” but formerly known as torture. Indeed, the very term “enhanced interrogation techniques” is a literal translation of “*verschärfte Vernehmung*” from the *Gestapo Handbuch*, and most of the specific techniques Rizzo told CIA officers they could legally use were from the *Gestapo Handbuch’s* list 75 years ago under the heading “*verschärfte Vernehmung.*”

I thought I had somewhat outgrown my outrage at seeing those who gave “legal” justification for torture (not to mention those who ordered it and carried it out), walking free, writing tell-some books, and being invited into otherwise respectable places, when they should be behind bars.

The only difference I can see between those responsible for *verschärfte Vernehmung* and those responsible for enhanced interrogation techniques is that Germany lost the war, and German torturers were held accountable. Nazi lawyer, Wilhelm Frick, defended his lawyerly approach to torturing and killing Jews with these words: “I wanted things done legally. After all, I am a lawyer.” Frick was one of the 11 defendants the Nuremberg Tribunal sentenced to death. He was hanged on Oct. 16, 1946.

The thought of Rizzo at Fordham was downright disorienting from a moral, as well as legal point of view. This is my alma mater, Fordham the Jesuit University of the City of New York where I spent nine years studying, teaching and earning two degrees. And this was Fordham Law School from which my father graduated in 1933, and where he was a professor of law until 1963, teaching a whole generation of budding lawyers.

Had the catastrophe of 9/11 changed Fordham’s moral assessment of torture, just as it had changed other formerly accepted moral and legal norms? Had torture slid out of the moral category of “intrinsic evil?”

There was no ambiguity on this issue 55 years ago at Fordham College, where we were taught that torture, together with rape and slavery, were “intrinsically evil.” Fordham’s permissive slide on torture was shown in bas-relief two years ago when Fordham President Joseph M. McShane SJ described the morality of torture as a “gray area.”

Succumbing to the “celebrity virus,” McShane had invited kidnapping-torture-and drone aficionado (now CIA director) John Brennan to give the main address at

Commencement, and threw in an honorary doctorate in “humane letters” (sic). It was, I suppose, because Brennan was a Fordham alumnus who worked in the White House. Does it matter what he actually did there?

When a number of graduating seniors objected to this profaning of their graduation, McShane gave a glib gloss on torture and drone killings in these words: “We don’t live in a black and white world; we live in a gray world.”

And so it is with President Barack Obama and Attorney General Eric Holder, each of whom has said waterboarding is torture but left the CIA torture lawyers and waterboarders in place. Now the country’s two most senior lawyers are winking at another torture practice force-feeding of men without hope who have chosen death by starvation as their only way out of Guantanamo.

If moral reasoning is a shambles, so is a pitiful legal profession that cannot find its institutional voice amid gross violations of the Constitution and other legal and moral norms. It strikes me that this amounts to a petri dish in which the celebrity virus can grow and flourish and law students can be given scandal. What was it that Jesus said about giving that kind of scandal? Something to do with millstones and necks, I think.

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Still Tolerating Torture

President Obama admits that U.S. authorities engaged in torture during the “war on terror” but he has taken no action to hold the torturers accountable and even elevated one of its defenders, John Brennan, to chief of the CIA, notes William Blum.

By William Blum

Since the “war on terror,” the before , there was the argument pretense that Two of the things that governments tend to cover-up or lie about the most are assassinations and torture, both of which are widely looked upon as exceedingly immoral and unlawful, even uncivilized.

Since the end of the Second World War the United States has attempted to assassinate more than 50 foreign leaders and has led the world in torture; not only the torture performed directly by Americans upon foreigners, but providing

torture equipment, torture manuals, lists of people to be tortured, and in-person guidance and encouragement by American instructors, particularly in Latin America.

Thus it is somewhat to the credit of President Barack Obama that at his Aug. 1 press conference he declared "We did a whole lot of things that were right, but we tortured *some folks*. We did some things that were contrary to our values."

And he actually used the word "torture" at that moment, not "enhanced interrogation," which has been the euphemism of preference the past decade, although two minutes later the president used "extraordinary interrogation techniques." And "tortured some folks" makes me wince. The man is clearly uncomfortable with the subject.

But all this is minor. Much more important is the fact that for several years Mr. Obama's supporters have credited him with having put an end to the practice of torture. And they simply have no right to make that claim.

Shortly after Obama's first inauguration, both he and Leon Panetta, the new Director of the CIA, explicitly stated that "rendition" was not being ended. As the *Los Angeles Times* reported at the time: "Under executive orders issued by Obama recently, the CIA still has authority to carry out what are known as renditions, secret abductions and transfers of prisoners to countries that cooperate with the United States."

The English translation of "cooperate" is "torture." Rendition is simply outsourcing torture. There was no other reason to take prisoners to Lithuania, Poland, Romania, Egypt, Jordan, Kenya, Somalia, Kosovo or the Indian Ocean island of Diego Garcia, to name some of the known torture centers frequented by the United States.

Kosovo and Diego Garcia both of which house large and very secretive American military bases if not some of the other locations, may well still be open for torture business. The same for the Guantánamo Base in Cuba.

Moreover, the Executive Order referred to, number 13491, issued Jan. 22, 2009, "Ensuring Lawful Interrogations," leaves a major loophole. It states repeatedly that humane treatment, including the absence of torture, is applicable only to prisoners detained in an "armed conflict." Thus, torture by Americans outside an environment of "armed conflict" is not explicitly prohibited. But what about torture within an environment of "counter-terrorism"?

The Executive Order required the CIA to use only the interrogation methods outlined in a revised Army Field Manual. However, using the Army Field Manual as a guide to prisoner treatment and interrogation still allows solitary

confinement, perceptual or sensory deprivation, sensory overload, sleep deprivation, the induction of fear and hopelessness, mind-altering drugs, environmental manipulation such as temperature and noise, and stress positions.

After Panetta was questioned by a Senate panel, the *New York Times* wrote that he had “left open the possibility that the agency could seek permission to use interrogation methods more aggressive than the limited menu that President Obama authorized under new rules. Mr. Panetta also said the agency would continue the Bush administration practice of ‘rendition’ picking terrorism suspects off the street and sending them to a third country. But he said the agency would refuse to deliver a suspect into the hands of a country known for torture or other actions ‘that violate our human values’.”

The last sentence is of course childishly absurd. The countries chosen to receive rendition prisoners were chosen precisely because they were willing and able to torture them.

No official in the Bush and Obama administrations has been punished in any way for torture or other war crimes in Iraq, Afghanistan and the other countries they waged illegal war against. And, it could be added, no American banker has been punished for their indispensable role in the world-wide financial torture they inflicted upon us all beginning in 2008. What a marvelously forgiving land is America. This, however, does not apply to Julian Assange, Edward Snowden or Chelsea Manning.

In the last days of the Bush White House, Michael Ratner, professor at Columbia Law School and former president of the Center for Constitutional Rights, pointed out:

“The only way to prevent this from happening again is to make sure that those who were responsible for the torture program pay the price for it. I don’t see how we regain our moral stature by allowing those who were intimately involved in the torture programs to simply walk off the stage and lead lives where they are not held accountable.”

I’d like at this point to once again remind my dear readers of the words of the “Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,” which was drafted by the United Nations in 1984, came into force in 1987, and ratified by the United States in 1994. Article 2, section 2 of the Convention states: “No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.”

Such marvelously clear, unequivocal, and principled language, to set a single

standard for a world that makes it increasingly difficult for one to feel proud of humanity. The Convention Against Torture has been and remains the supreme law of the land. It is a cornerstone of international law and a principle on a par with the prohibition against slavery and genocide.

"Mr. Snowden will not be tortured. Torture is unlawful in the United States."
United States Attorney General Eric Holder, July 26, 2013

John Brennan, appointed by President Obama in January 2013 to be Director of the CIA, has defended "rendition" as an "absolutely vital tool"; and stated that torture had produced "life saving" intelligence.

Obama had nominated Brennan for the CIA position in 2008, but there was such an outcry in the human-rights community over Brennan's apparent acceptance of torture, that Brennan withdrew his nomination. Barack Obama evidently learned nothing from this and appointed the man again in 2013.

During Cold War One, a common theme in the rhetoric was that the Soviets tortured people and detained them without cause, extracted phony confessions, and did the unspeakable to detainees who were helpless against the full, heartless weight of the Communist state.

As much as any other evil, torture differentiated the bad guys, the Commies, from the good guys, the American people and their government. However imperfect the U.S. system might be we were all taught it had civilized standards that the enemy rejected.

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Why Israel Is Bad for the Jews

Among the harm that hardline Israeli policies have inflicted on Judaism is the erosion of the traditional Jewish tolerance toward dissent, now virtually forbidden if it involves criticizing Israel, as Danny Schechter learned when he asserted that "Israel is bad for the Jews."

By Danny Schechter

I would have become a rich man in “The Fiddler on The Roof” sense if each of the insults, putdowns and venomous asides about my recent article, “Israel Is Bad For The Jews,” had a monetary value.

For so many years, we used to joke, “Five Jews, Ten Opinions,” as a comment about the perennial, ongoing and never-ending arguments and debates that made our culture so rich with its many religious tendencies: Reform, Conservative and Orthodox, and their many spinoffs competing over the best way to serve God.

Politically, we had more organizations and positions than any one Jew has fingers, as conservatives battled liberals; Zionists quarreled with anti-Zionists; and the many factions of the Left and the Right battled each other.

This rich diversity of perspective is what spawned so many passionate writers and engaged intellectuals to pick over the carcass of our history and its many interpretations of what Judaism is and what are the right values and beliefs to guide us.

Even in our Passover Seders, in the modern form and ancient traditions, we sang of our differences, with subtlety and irony. There were always moral choices. Never one answer! “*Dayenu*” anyone?

Isn't it sad today when Jewish critics write about Israel, the content of their concerns are dismissed, *a priori*, and answered by an endless spew of personal attacks on their character. When it comes to this issue, only one correct party line, pro-Netanyahu position masquerading as support for a country which is always facing threats, especially when funds are to be raised.

If you think the Stalinists kowtowed to a party line, check out the Zionists. Many Labor Zionist groups used to have disputes with each other, while the settler movement had its own differences and fanatics. Now, there is no tolerance for anyone who disagrees with you. There is little difference between some of the religious autocrats in Israel and the mullahs in Iran. Tehran has its Supreme Ruler and Israel has its “Security Cabinet.” Who cares about democracy in the Knesset?

Only one line is allowed or else. Figure out why 100 members of the 100-member U.S. Senate groveled before embracing Israel in the same resolution and you will understand the way this game is played. Dissent, however mild or reasonable, is not permitted. It's always their way or the highway! We are supposed to hail AIPAC the way the Romans hailed Caesar.

Disagree and quickly life-long Semites become anti-Semites, and people who love justice are blasted as haters, guilty for even invoking the names of people of deep knowledge like that son of a Rabbi, Noam Chomsky, a moral conscience and

national treasure, now in his 80's. Chomsky, *oy vey*, has heard it all from all sides, but keeps going! May we all sing, "bidi-bidi-bum?"

As a graduate of a Jewish school, albeit not a religious one, who took pride in my culture and identity, I am a pronounced a "Jew hater," an anti-Semite, and, to boot, an ignoramus, even an enemy! Oh, yes, as one respondent told me, I am as bad as "HAMMAS" (misspelled!)

My article appeared on several sites including The JewishReporter.com. I was told that many of the site's supporters demanded I be silenced, and my article be taken down, I guess as heresy. (It's too bad the "Scarlet Letter" is not in vogue anymore even if Jews know all too well the way how our ancestors were forced to wear stars of David and later concentration camp numbers. It didn't matter what you thought, it was who you were,)

Dr. Avi Perry, a technologist who appears on PalTalk, shot off a "Dear Danny" letter to me to share his wounded feelings: "I have known you as a far-leftist who bashes Israel at every opportunity, but your recent article, titled: 'Israel Gives Jews A Bad Name' exposed your own ingrained Jew-hating tendencies. Your article and your assertions are wreacked with the same blind spots that every antisemite and every Jew-hater embraces inside their souls.

"Calling Israel an apartheid state is an insult to the word apartheid. Did South Africa afford voting rights to its black residents? Did the true apartheid regime have a black resident on their Supreme Court? Did they have blacks (who preached white genocide) as members of Parliament? Did white folks in apartheid South Africa work for black supervisors? Did black doctors work in white hospitals, treating white folks as well? There are hundreds more examples of how prejudiced you are. You clearly don't know what you are talking about.

"You quote Noam Chomsky, the most supreme Jew-hater in history. (I had noted that he said Israel was not like South Africa, but worse!) You provide proof for Meir Lansky's crimes from a movie, a fiction-based novel" Etc. Etc.

Oops, and now, the closer: "And finally, there is plenty more I could say to you and to those who share your antisemitic views. But it will take a whole book, and I'm not in the mood to write one at this moment."

Never mind that I have written books, articles and produced a TV series about South Africa. And, never mind, that on this past Saturday 100,000 South Africans marched in solidarity with the Palestinians of Gaza. You would think their memory of Apartheid qualified them to make that parallel. But never mind

My friend, the distinguished African journalist and editor Marie-Roger Biloa, wrote to me from Paris when I told her about the nasty response, "that is usual,

stupefying that so many Jews, among the best and the brightest, just do not understand and accept that people protest in the streets against Israel's policy. I just listened to a German Jewish writer lashing out at 'antisemitism disguised as anti-zionism.'"

No doubt, the vehemence of my critic's views and his immediate labeling of me as anti-Semitic or worse, speaks to how cantankerous the discourse on this subject has become. It is now *verboden* to challenge the consensus of the Israel firsters who speak not just in sanctimonious defense of a state dominated by a malicious far right-wing government, but make it appear they are speaking for all Jews everywhere. All that takes to achieve is a couple of hundred million dollars for PR and media spin.

Sadly, this tendency has become true of a onetime hero of mine, Elie Wiesel, with whom I produced a TV pilot for public television. (I didn't have the heart to tell him that the station, WNET in New York, rejected the series because they thought his accent would limit its appeal. Too Jewish? That smelled like anti-Semitism to me at the time.)

Wiesel, whose books turned him into the moral Ambassador for World Jewry because of his reputation as a powerful speaker and Holocaust survivor, now is Israel's No. 1 defender without ever really disclosing how right-wing his politics have become.

According to the Electronic Intifada, "Wiesel has been a chair of the advisory board of Elad, a group of fanatical religious Israeli settlers actively involved in ethnic cleansing of Palestinians from the eastern sector of occupied Jerusalem." Now Wiesel is leading a campaign to further demonize Palestinians

Press Release: "Rabbi Shmuley Boteach has released a stirring advertising campaign that is accusing Hamas of child sacrifice. Along with Nobel Peace Laureate, Elie Wiesel, the ads will run in leading American publications including: The Washington Post, The New York Times, The Wall Street Journal, The Chicago Tribune, The Los Angeles Times, The Miami Herald, as well as an extensive social media campaign."

This World Founder Rabbi Shmuley Boteach, stated, "Our purpose is to bring one of the greatest moral voices of our time and one of the most respected human beings alive, who bore witness to the atrocities of genocide and the Holocaust, to respond to the ugly and fraudulent criticisms of Israel and call for an end to the genocidal aspirations of Hamas."

These ads have triggered a press controversy with the usually conservative Murdoch-owned title, The Times, refusing to run it while the usually progressive

Guardian carried it in England. Palestinians called it an incitement to genocide and questioned its accuracy.

The Israeli writer, Gilad Alzmon, blasts Wiesel, a personality who until now is usually revered as a human rights hero. "The ad's headline reads: 'Jews rejected child sacrifice 3,500 years ago. Now it's Hamas' turn.' Wiesel's statement is a blatant lie and the London Times knew it.

"Jews have never stopped sacrificing their children. The Hannibal Protocol is an IDF directive that orders soldiers to take 'necessary measures' to prevent their comrades from being captured by enemy forces. 'Necessary measures' include risking the life of the Israeli soldier and anyone who happens to be in his vicinity. Similarly, the Kastner Affair shows that at the peak of the Shoah, Ben Gurion and the Zionist establishment were willing to sacrifice many Jewish lives on the altar of the Zionist goal."

Over 100 Jewish survivors and descendants of Jewish survivors of the Nazi genocide have signed on to a letter condemning the invasion of Gaza and "speak out against the abuse of their histories to promote the dehumanization of Palestinians advanced by Elie Wiesel among others."

They write, "we are disgusted and outraged by Elie Wiesel's abuse of our history in these pages to promote blatant falsehoods used to justify the unjustifiable: Israel's wholesale effort to destroy Gaza and the murder of nearly 2,000 Palestinians, including many hundreds of children. Nothing can justify bombing UN shelters, homes, hospitals and universities. Nothing can justify depriving people of electricity and water.

"We call for the full economic, cultural and academic boycott of Israel. 'Never again' must mean NEVER AGAIN FOR ANYONE!"

Another Israeli, Miko Peled, is speaking out too. He was born in Jerusalem. His grandfather, Avraham Katsnelson, signed Israel's Declaration of Independence. His father, Mattityahu Peled, fought in the 1948 war, and was a general in the war of 1967.

Sadly, Peled's 13-year-old niece Smadar was killed in a suicide attack in Jerusalem. At her funeral, according to an article summarizing Peled's book, *The General's Son*, Ehud Barak, who had just been elected to lead the opposition, explained that "in order to win votes he must disguise his real intentions as a 'peacemaker.'"

In reply, Peled said, "Why not tell the truth. ... That this and similar tragedies are taking place because we are occupying another nation and that in order to save lives the right thing to do is to end the occupation and negotiate a just

peace with our Palestinian partners?”

Peled is among many Israelis who challenge Israeli militarism. But it is the Palestinians who are forced to live with it, with many not making it.

Read this story and weep: “When Ahmed Owedat returned to his home 18 days after Israeli soldiers took it over in the middle of the night, he was greeted with an overpowering stench. He picked through the wreckage of his possessions thrown from upstairs windows to find that the departing troops had left a number of messages. One came from piles of faeces on his tiled floors and in wastepaper baskets, and a plastic bottle filled with urine.

“If that was not clear enough, the words ‘Fuck Hamas’ had been carved into a concrete wall in the staircase. ‘Burn Gaza down’ and ‘Good Arab = dead Arab’ were engraved on a coffee table. The star of David was drawn in blue in a bedroom.”

Why is Israel bad for the Jews? Reflect on that smell as if it were in your home. I reported on a very similar situation involving the IDF’s trashing of a community Media Center in Ramallah years ago. That is the smell and face of hate, and more than a big oy vey.

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