

# How Torture Puts Americans at Risk

**Exclusive:** Polls show that most Americans and an overwhelming majority of “conservatives” view post-9/11 torture as justified, presumably because it made them feel safer. But torture may actually have made them less safe, as retired JAG Major Todd E. Pierce explains.

By Todd E. Pierce

Torture, what is it good for? Apparently, as the words to the old anti-war song say, “absolutely nothing.” Behind all the obfuscation (lying) by the defenders of torture is the claim that it “works.” In fact, it doesn’t work if by “work” you mean providing for the overall safety of Americans.

The sad truth is that adoption of torture by the United States actually increased the danger to the American people, as we will realize as time goes by and we look back. Here’s why. A key point that the counter-insurgency (COIN) theorists make (but clearly don’t understand) is that a government requires “legitimacy” in the eyes of the population, both internally and externally. Legitimacy is what ultimately provides safety to a nation’s people as seen from the highest level of strategic thinking.

Unfortunately, the CIA and most military generals, as well as militaristic-minded civilians like Dick Cheney, can never get above the lower-level thinking of short-term expediency (although even there torture has been shown not to work).

Legitimacy only comes when people accept that a government is acting morally, fairly and within the “rule of law” in its true meaning. The United States, as what American politicians and pundits like to call “the world’s superpower,” is not only dependent on being seen as legitimate by its own people, whose eyes often have the wool pulled over, but also must be seen as legitimate globally.

Legitimacy is what the United States has been losing since its misguided response to 9/11 with a series of unending wars. While the last two presidents have used these wars as a pretext for exercising extra-constitutional powers, one of the most disturbing of those powers has been the asserted right to torture if they so choose, maintaining that no law can stop them or hold them accountable.

## **Advertising Torture**

Torture became the worst kept secret that the government had, probably because while some officials, especially in the FBI, were opposed to the practice,

others in the CIA and the military may have wanted the world to know. After all, what good is a tool meant to intimidate if no one knows about it? There was also the swagger of being the tough guys, the worst of the worst at least among so-called democratic regimes.

With their various semantic and legalistic defenses, George W. Bush and Barack Obama taunted the world even when everyone knew the truth and losing credibility can be a crucial factor in losing legitimacy.

And, losing legitimacy can mean creating more enemies and spinning downward in a dangerous cycle where each hostile act prompts a greater reliance on repression of "offending" or "offended" populations. Suffice it to say that a series of wars (what could be called the highest level of torture on a people) resulting in millions of Moslems killed and persistent drone attacks on civilians and surveillance over foreign populations, along with prisons constituting torture in themselves with their indefinite detentions, have cost the United States legitimacy which will never be restored in our lifetimes, if ever.

In addition to the mass killings that we're responsible for is the enormous economic costs that we've inflicted on ourselves the price of maintaining and operating this global apparatus of repression to the detriment of the long-term interests of the United States, i.e., the need to invest in domestic infrastructure, education, health care, etc..

All of this has made us one of the most hated countries in the world and some Americans still have the effrontery to say: "they hate us for our freedoms." Has there ever been a more benighted people than what currently populates the United States?

After all, these tough-guy "tactics" have been sold to us as keeping us safe as they chipped away at our legitimacy and made us less safe, while generating sympathy for some of America's most brutal enemies. The consequence is that we now even have some U.S. citizens emotionally bonding with some level of empathy for extremist groups like ISIS because the U.S. government tactics against radical Moslems, including torture, have been so offensive.

And, using these "interrogation" tactics solely on Moslems can logically be seen as the West waging a war on Islam, exactly the image that fuels more violence against Americans. That's what our repression through war and torture has brought us, a dangerous consequence that militaristic policy minds don't understand. They just urge greater repression.

### **A Sensible Step**

Contrary to claims by CIA Director John Brennan and many Republicans in

Congress, coming clean with the Senate's torture report actually may enhance "safety" in the long term by being a small step toward returning us to a "rule of law" state which could bolster our legitimacy.

Unfortunately with the last election's results strengthening the hand of conservative Republicans we no doubt will have a doubling down with evermore repressive policies. A recent poll showed that 82 percent of conservative Republicans considered the CIA's interrogation tactics justified (compared to 38 percent of liberal Democrats).

So, on whether torture works (i.e., saves lives), the foregoing would seem to be an answer in the negative. But the CIA as well as the Israelis, the Egyptian military and others who practice torture at home and/or in militarily occupied territory will point to someone they've tortured who "might" have given some information up as "proof" that these tactics "work."

Setting aside the lying that typically surrounds illegal acts, this point could actually be true in a sense, but only because there are so many variables in the victim's decision: their will to resist, the value (or lack of value) in the information they decide to give up to stop the pain, their skill in detecting what an interrogator wants to hear and confirming it, etc. So it may seem that is an unwinnable argument; you'll always get the Nicolle Wallace types, devoid of any genuine morality, who will be satisfied that it "might" keep us safe so let's do it just to be sure.

But torture is supposed to be practiced only by states which rule by terror and repression. For such states, the primary purpose is not to gather information; it is to intimidate others and/or get false confessions to be used in a war effort or other political purposes.

To practice torture is to self-identify as a repressive police state, even if the practice is reserved only for conduct outside one's own borders. But it's just a matter of time before it spills back into domestic territory. Historically, it always has.

A former Guantanamo detainee who hadn't been "tortured" in the severest sense pointed out to me that all Guantanamo detainees did not get treated with the same degree of severity because torturing some was sufficient to intimidate the rest. The practice wasn't about gathering information. That was only a pretext to use torture for instilling fear.

The bottom line is that the torturers along with the Justice Department lawyers who wrote the enabling opinions and the military and intelligence infrastructure which supported it all (including the media) all gave legitimacy to the

torturers and took it away from the United States.

In doing so, the torturers and their accomplices became the greatest “combat multipliers” that al-Qaeda and now ISIS could have ever wished for. If al-Qaeda has a pantheon of heroes those who have done the most for the cause I have no doubt that Dick Cheney would have a place near that of Osama bin Laden, if not above him.

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