

Torture's Time for Accountability

Exclusive: America's reputation for cognitive dissonance is being tested by the Senate report documenting the U.S. government's torture of detainees and the fact that nothing is happening to those responsible. Ex-CIA analyst Ray McGovern says the nation must choose between crossing the Delaware or the Rubicon.

By Ray McGovern

I trust I was not alone in seeing irony in President Barack Obama's public chiding of Sony on Friday for caving in to hacker demands to cancel distribution of its comedy "The Interview" about a fictional CIA plot to assassinate North Korea's real-life leader Kim Jong-Un after a retaliatory cyber attack blamed on North Korea.

Rather than questioning Sony's wisdom in producing a film that jokes about something as serious as assassinating a nation's leader, Obama upbraided Sony's producers for the decision to pull the movie from theaters. "I wish they had spoken to me first," said Obama, warning them not to "get into a pattern in which you're intimidated."

The irony that I saw was in Obama's "tough-guy" advice just after he had been so intimidated by the real-life CIA that he could not muster the courage to fire those who managed and carried out a quite-unfunny policy of torture on an industrial scale much less try to find some way to hold senior officials of the Bush/Cheney administration accountable. However great the financial loss to Sony's bottom line, the costs attributable to Obama's timidity are incalculably more damaging to the United States.

Of course, the common thread between assassinations and torture is Official Washington's disdain for international law at least as it pertains to the "exceptional" U.S. government. I suppose it might have been even more ironic if President Obama, who has overseen an actual targeted assassination program for six years, would have voiced concern about a movie making light of a made-up assassination plot.

(There was a time, especially after the 1960s, when Americans didn't find the notion of murdering political leaders very amusing.)

Anyway, veteran UPI editor Arnaud de Borchgrave had it right on Friday when he noted that the CIA torture abuses revealed in the report released by Senate Intelligence Committee chairwoman Dianne Feinstein on Dec. 9 have "given the U.S. a geopolitical black eye of worldwide dimensions. For the average Russian, Chinese, Indian, Pakistani, African, Arab, Iranian, or any other race or

nationality, America is now no better or worse than any other global scoundrel.”

Not amused by the U.S. government’s we’re-above-the-law arrogance, North Korea’s U.N. ambassador has called on the world body to investigate the CIA for subjecting captured al-Qaeda operatives to “brutal, medieval” forms of torture. (No, that is not a joke. North Korea is lecturing Washington on barbaric behavior.) It seems clear that the damage done by the CIA’s officially sanctioned torture and equally important Obama’s decision to hold the torturers harmless, leave an incalculably large, indelible stain on the U.S. reputation for defending human rights.

Crossing Our Delaware

So what happens next, after America now acknowledges having crossed the Rubicon into the practice of torture a decade ago? What to do after these abhorrent “techniques,” such as waterboarding and “rectal rehydration,” have been exposed in a redacted Senate Intelligence Committee report based on CIA cables, emails and other original documents? (I find myself wondering whether even more sadistic outrages would be detailed in the un-redacted text of the Senate report.)

The question remains: Will the top torture criminals and their obedient lackeys from George W. Bush and Dick Cheney down to those CIA personnel and contractors “just following orders” in the CIA’s secret prisons continue to escape accountability? As things now stand, the sad answer seems to be, “Yes, unless.”

At this point, those responsible will continue to enjoy de facto immunity unless (1) they travel abroad and are apprehended and brought to justice under the principle of “universal jurisdiction” by governments more committed to enforcing international law than our own; or (2) unless we citizens summon the kind of courage shown by the “winter soldiers” of George Washington’s army who crossed the Delaware and turned the tide of battle at Christmastime 1776, leading four cold Christmases later to American freedom from British rule.

Worth noting in this connection is that Gen. George Washington imposed strong strictures against abuse of captured British and Hessian prisoners, strictures not observed by the English forces who deemed the American soldiers “traitors” and often confined them to appalling conditions aboard prison ships and in other unsanitary locations where more than 10,000 died of neglect.

Thomas Paine, one of the stalwart soldiers in Washington’s army, famously wrote during that difficult winter of 1776-77: “The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country; but he that stands it now, deserves the love and thanks of all men and women.”

It might well be said of us that "Now is the winter of our discontent," a time when rock-ribbed American ideals have been trampled beneath the boot of thuggish behavior and all that seems left is a swaggering haughtiness more fitting the British officer corps than our courageous "rabble in arms."

Today's question is whether we will be discontented enough to expose ourselves to the elements, as those "winter soldiers" were exposed, albeit "elements" of a different kind, risks to our reputations, impositions on our time, commitment of our talents and resources. But it may be our turn to repay the debt to those soldiers who overcame great odds and great hardships to create a nation based on the rule of law, not the whim of men.

Though the Founders were flawed individuals themselves and the early United States should not be idealized as a place without grave injustices there was wisdom in many of their principles, including a prohibition against "cruel and unusual punishments" in the Eighth Amendment to the U.S. Constitution.

They also made wise observations about America's proper place in the world as a beacon of liberty, not as the world's policeman. Recognizing the dangers and corruption that could come from excessive involvement in foreign conflicts, the first three presidents George Washington, John Adams and Thomas Jefferson all warned against "entangling alliances." And years later, President John Quincy Adams, who had watched the new nation from its birth, warned that America "goes not abroad seeking monsters to destroy."

In my view, we dishonor the memory of those courageous patriots if we leave it to other countries to do our justice for us regarding the torturers so vividly depicted in the CIA cables revealed by the Senate report. Rather, our generation is being called on to rise up against the practice of torture and other abuses drone killings, for example in such a way as to force a timid President to stop calling felons "patriots" and, instead, do his duty in holding them accountable. Stern enforcement of both U.S. and international law is the only deterrent against this kind of unconscionable abuse happening again.

During the Watergate scandal, senior officials went to jail for lying and obstructing justice. Many other politicians have faced stiff prison time for relatively petty corruption. So why should government leaders and their subordinates get a walk on such a severe crime of state as torture?

Presidential Timidity

Left to his own devices, President Obama is likely to keep putting the White House stamp on the stay-out-of-jail-free cards that he issued to the torturers when he came into office six years ago, wanting to "look forward, not backward."

I believed then as I do now that it was because he feared for his own hide (physically as well as politically) that he carved out an exemption for the torturers. So much for discharging his Constitutional duty to “take care that the laws are faithfully executed.”

Righting this wrong will require the kind of moral courage Obama seems to lack. True, his politically risky rapprochement with Cuba announced earlier this week provided a glimmer of hope that he can finally be his own man. But let’s take him at his word that his brand of leadership comes into play only when we citizens light a fire under him. Let us gather the kindling, start the fire, and respond to his challenge to make him do the right thing.

As is painfully obvious by this stage, the battle will be uphill, largely because our supine media provide such thin gruel that, as a result, most Americans are malnourished on the truth. I suppose one can get used to virtually any indignity. Nonetheless, for me it remains highly disturbing to watch “mainstream media” give the lion’s share of air time to charlatans like Dick Cheney who, 13 years after 9/11, continue to play on the trauma of that fateful day to elicit the kind of vengeful spirit that can in far too many minds justify the unspeakable.

No matter that ethicists have traditionally placed torture, like rape or slavery, in the moral category of intrinsic evil always wrong a premise embedded in the UN Convention Against Torture to which the United States is a signatory. No matter that torture does not yield reliable intelligence. No matter that CIA documents show how CIA directors Michael Hayden and Leon Panetta lied when they told us that information from “enhanced interrogation techniques” led to the finding and killing of Osama bin Laden. [See Gareth Porter’s [“How the CIA Covered Up Its Lie on Torture and bin Laden.”](#)]

The first (and, so far as I know, the last) time Obama showed any spine dealing with the CIA was just before he became president in January 2009, when he demonstrably dissed then-CIA Director Michael Hayden. Hayden had been going around town telling folks that he warned the president-elect “personally and forcefully” that if Obama authorized an investigation into controversial activities like waterboarding, “no one in Langley will ever take a risk again.” (My source for this is what we former intelligence officers used to call an “A-1 source” completely reliable with excellent access to the information).

Consequently, Hayden did not merit a mention on Jan. 9, 2009, when President-elect Obama formally introduced Leon Panetta as his choice to replace Hayden as CIA director and Dennis Blair as director of national intelligence. Obama did announce that Mike McConnell, whom Blair replaced, had been given a sinecure/consolation prize, a seat on the President’s Foreign Intelligence

Advisory Board. McConnell got the obligatory thank you; but not Hayden.

It was not only cheeky, but more than a little disingenuous that Hayden should think to advise Obama “personally and forcefully” against investigating the illegal activities authorized by President George W. Bush, since Hayden’s role in torture was already clear from publicly available information.

Hayden had loudly defended what he liked to call “high-end” interrogation techniques like waterboarding. (And last week, just three days after the Senate report was released, Georgetown law professor David Cole drew from it to recount “just three examples” of false and unsupported testimony” by Hayden.)

It was for services rendered that Bush and Cheney picked Hayden to head the CIA. As Director of NSA (1999 to 2005) he saluted sharply when Cheney told him to redact the words “probable cause” from the Fourth Amendment.

In sum, Hayden’s transgressions are book-length, but as with Professor Cole’s article space limitations prevent anything close to a complete rendering, so to speak. Apparently fearful of going beyond sending Hayden to the showers, Obama hired Leon Panetta to replace Hayden to be nominally CIA director but, in actuality, its well-connected protector.

Initially, with Panetta there seemed to be reason to expect hope and change; that expectation was short-lived. A year before Obama picked him, Panetta had written:

“We cannot simply suspend [American ideals of human rights] in the name of national security. Those who support torture may believe that we can abuse captives in certain select circumstances and still be true to our values. But that is a false compromise.

“We either believe in the dignity of the individual, the rule of law, and the prohibition of cruel and unusual punishment, or we don’t. There is no middle ground. We cannot and we must not use torture under any circumstances. We are better than that.”

Sadly, it turns out we were not, in fact, “better than that” and neither was Panetta. For his part, Panetta discharged his assigned role to defend CIA torturers with enthusiasm even overreaching in making false claims about the efficacy of “enhanced interrogation techniques.”

On that key issue, CIA Director John Brennan, speaking on Dec. 11, 2014, was more cautious, claiming the effectiveness of “enhanced interrogation techniques” was “unknowable.” At which point Sen. Feinstein moved immediately to set the record straight, tweeting that, on the contrary, it was well known that the

useful intelligence from interrogation was gained from traditional interrogation approaches, well BEFORE “enhancements” were applied.

On the day after the Senate Intelligence Community report was released, lame-duck committee member Mark Udall sharply criticized Brennan for “lying” about the efficacy of torture. Udall’s parting shot was to decry the President for his permissive attitude toward Brennan and the CIA and for “making no effort at all to rein it in.”

This appraisal has been seconded by Sen. Carl Levin, D-Michigan, who openly complained last Saturday that “Brennan has gotten away with frustrating congressional oversight. He shouldn’t have gotten away with it, but so far he has.”

Obama Agonistes

Will the President continue to do his best to hold harmless those involved in torture? I expect he will out of the fear for the consequences if he tried to “rein in” the CIA. In other words, although Obama came into office determined not to allow himself to be intimidated by Hayden, he nonetheless seem to have taken Hayden’s threat seriously.

Whether Obama’s fateful decision only to “look forward” on the issue of torture was the result of simple cowardice or a naive calculation that shoving torture under the rug would help him work out a modus vivendi with Republican leaders is, at this point, academic.

The reality is that Obama blew his chance to deal with this profoundly moral, as well as legal, issue of torture at a time when this was widely expected of him. As for the Republicans whose cooperation he so patently craved, they appear to have seen in his unmistakable reluctance to expose and pursue the major crimes of Bush and Cheney a welcome sign of weakness.

Now, despite his transparent attempts to keep his distance from the horrid disclosures in the Senate committee report, Obama is enmeshed in a wide web of consequential lies. He is, ipso facto, part of a cover-up that is poisoning the minds of too-trusting Americans, while putting a big hole in what’s left of America’s reputation as a force for good in the world. He could not do this without the help of an enabling media.

What are we to make of the media? Decades ago, in an unusual moment of candor, former CIA Director William Colby was quoted as saying the CIA “owns everyone of any significance in the major media.” How much truth continues to lie beneath Colby’s hyperbole? Why is it so easy to simply mention 9/11 to evoke an attitude of vengeance? Why does that include acquiescence in horrid torture techniques,

and a predisposition to believe Cheney's lies, rather than accept the reality that our leaders ordered and conducted heinous crimes?

In my view, the polls show an acceptance on the part of most Americans for torture mostly because so many Americans simply do not read. And this is precisely why Sen. Feinstein and Sen. John McCain both appealed plaintively for us to "just read the report."

In her trademark perceptive way, the New Yorker's Jane Mayer laments that, when the awful facts about CIA torture came out last week, President Obama shied away from the chance given him to set the record straight. She explained it this way:

"It appeared that Obama and Brennan had a single purpose, which was to not 'lose Langley,' ... meaning that they didn't want to alienate those still working at the C.I.A. This calculation that C.I.A. officers ... are too fragile for criticism, too valuable to fire, and too patriotic to prosecute somehow tied the Obama Administration in knots." Mayer might have added that CIA operatives seem to be, in Obama's ken, "too dangerous to get crosswise with."

Similar insights jump out of a Dec. 15 article by Peter Baker and Mark Mazzetti of the New York Times. They write that when Brennan was working at the White House, neither Obama nor Brennan was eager to take on the C.I.A. very often. "The C.I.A. gets what it needs," Obama declared at one early meeting, according to people there. "He didn't want them to feel like he was an enemy," said a former aide.

Brennan, for his part, was protective of CIA interests. When Panetta negotiated an agreement with the Senate Intelligence Committee for an inquiry into torture, Brennan erupted. "It did not take long to get ugly," Panetta recalled in his memoir. "Brennan and I even exchanged sharp words."

Brennan recognized at once that such an inquiry could well become a very large fly in the ointment. He was right about that, but he was unable to renege on the deal. After becoming CIA director last year, though, Brennan fought constantly with Democrats on the committee over the torture report and attempted to redact it to a fare-thee-well.

Relations worsened when senators accused the CIA of penetrating a computer network designated for the committee's use, a charge that Brennan initially denied. In the end, though, the CIA inspector general admonished five agency officers and Brennan apologized. Relations remained raw; Obama stayed above the fray.

On Saturday, the New York Times reported that the panel appointed by Brennan to investigate the CIA's search of a computer network used by the Senate staffers

investigating CIA's use of torture will (surprise, surprise) return a verdict of not guilty. Brennan's panel reportedly has decided to defend the CIA searchers' actions as lawful and, in some cases, done at Brennan's behest, in effect reversing the most significant conclusions of an earlier investigation by CIA's own inspector general.

On the issue of torture's effectiveness, according to Baker and Mazzetti, the President's advisers doubt that he believes the interrogation program yielded useful intelligence, but that he was unwilling to contradict Brennan.

A Natural Ally in McCain

Does the fact that Sen. John McCain was tortured as a POW, after his aircraft was downed over North Vietnam, give him unusual credibility on the issue of torture? You bet it does. Breaking ranks with fellow Republicans, defensive CIA directors and a media (including Hollywood) enamored of "enhanced interrogation techniques," McCain followed Sen. Feinstein to the Senate floor after she introduced and distributed the report on CIA torture. He was very supportive.

More in sorrow than in anger, he conceded, "The truth is sometimes a hard pill to swallow. It sometimes causes us difficulties at home and abroad. ... But the American people are entitled to it, nonetheless. ...

"There was considerable misinformation ... about what was and wasn't achieved using these [enhanced interrogation] methods ... There was a good amount of misinformation used in 2011 to credit the use of these methods with the death of Osama bin Laden. And there is, I fear, misinformation being used today to prevent the release of this report, disputing its findings and warning about the security consequences of their public disclosure. ...

"What might come as a surprise ... is how little these practices did to aid our efforts to bring 9/11 culprits to justice and to find and prevent terrorist attacks today and tomorrow. That could be a real surprise, since it contradicts the many assurances provided by intelligence officials on the record and in private that enhanced interrogation techniques were indispensable in the war against terrorism. And I suspect the objection of those same officials to the release of this report is really focused on that disclosure torture's ineffectiveness because we gave up much in the expectation that torture would make us safer. Too much.

"Obviously, we need intelligence to defeat our enemies, but we need reliable intelligence. Torture produces more misleading information than actionable intelligence. And what the advocates of harsh and cruel interrogation methods have never established is that we couldn't have gathered as good or more

reliable intelligence from using humane methods.

“The most important lead we got in the search for bin Laden came from using conventional interrogation methods. I think it is an insult to the many intelligence officers who have acquired good intelligence without hurting or degrading prisoners to assert we can’t win this war without such methods. Yes, we can and we will.”

Thus, Obama would not be without powerful allies were he to summon the courage to bring CIA torturers to account. It appears, however, that the President still lives in fear of the shady characters at Langley.

Hence, it is up to us to mobilize the kind of action needed to change Obama’s mind. Op-eds, speeches, interviews are fine, but without action, nothing is going to happen. We need to figure out how best to confront this issue and what action(s) seem appropriate. And then we must act like winter soldiers.

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Torture’s Fallacies – and Criminality

In America’s fascination with fictional entertainment, torture has been a popular plot device as some tough-guy “hero” extracts a clue from a hardened “bad guy,” most famously with Jack Bauer in “24.” But real-world torture elicits false information and is a grave crime of state, as Lawrence Davidson explains.

By Lawrence Davidson

It has long been known that torture does not work. One can go back to the Age of Enlightenment. In 1764, Cesare Beccaria published his groundbreaking work, *On Crimes and Punishments*, in which he examined all the evidence available at that time and concluded that individuals under torture will tell their interrogators anything they want to hear, true or not, just to get the pain to stop. Beccaria’s book led to a temporary waning of the state-ordered torture.

Nonetheless, the United States has used torture repeatedly. Indeed, the Senate Intelligence Committee’s release of its report (five years in the making) on the

George W. Bush administration's use of torture testifies to only the most recent in a long line of such incidents.

For instance, torture was used against prisoners during and immediately following the Spanish-American War, particularly in the Philippines. More recently, the U.S. (and its adversary) used torture during the Vietnam War. Confirming Beccaria's judgment, the consensus among U.S. military personnel, who examined the use of "enhanced interrogation techniques" (the latest euphemism for torture) against Viet Cong and North Vietnamese prisoners, was that it did not work.

This conclusion has been supported by Sen. John McCain, R-Arizona, who was a prisoner of war in North Vietnam for over five years. He has repeatedly said that he knows, from personal experience, that "victims of torture will offer intentionally misleading information if they think their captors will believe it."

Who in the Executive Branch of the U.S. government remembers, or even cares, about this history? President Barack Obama gave his blessings to the Dec. 11 television appearance of CIA Director John O. Brennan so that Brennan could tell the nation that, following the 9/11 tragedy, tortured prisoners provided "useful and valuable" information. The Senate Intelligence Committee report calls such claims "exaggerated if not utterly false." Based on the evidence from Beccaria's time to the present, the committee report's position in this regard is the one to go with.

Illegality of Torture

Torture was made illegal in 1950 under the Third Geneva Convention, and this was reaffirmed in 1985 by the United Nations Convention against Torture. Both of these conventions were signed and ratified by the United States, making them the law of the land. Torture is also illegal under U.S. domestic laws such as the War Crimes Act of 1996.

Unfortunately, these laws and treaty obligations were called into question in 2002 by the Bush administration. To create a counter-position to them, the Bush's Justice Department produced what are now known as the "torture memos." These postulated that the war against terrorism that followed 9/11 was a unique situation that nullified all the standing laws preventing torture.

These memos were self-serving interpretations of the president's powers during war and time of emergency. Contrived as they were, they served as Bush's legal justification for his administration's policy of waterboarding, "rectal rehydration," sleep deprivation, and other forms of physical abuse. As Dick

Cheney, Bush's pugnacious vice president, recently said, this was no rogue operation. "This program was authorized" by the memos, Cheney said.

The question of how one legitimately "authorizes" what has already been determined to be illegal, immoral and degrading seems never to have occurred to Cheney.

When we weigh the authority of the "torture memos" against international law, treaty obligations, and indeed U.S. domestic law, we must conclude that Bush's policy of torture was illegal. Let me put the consequences of that reasonable conclusion in plain English: President George W. Bush and everyone else in his administration involved in formulating, justifying and carrying out the policy of torture are criminals. So why hasn't Mr. Bush (to say nothing of the rest of this gang) been brought to trial for his crimes?

One possible reason harkens back to 1972-73, when the infamous Watergate scandal was revealing President Richard Nixon's criminality. At that time the main line of argument was that you don't want an American president going to jail. This would constitute just too much of a national embarrassment. Therefore, the pardon that Nixon received was the best solution to a messy problem. Being of a contrary nature even back then, this writer went about saying that it was precisely because Nixon was the president that you wanted him on trial and, when convicted, put in jail. You wanted that precedent set because it would shape, for the better, the behavior of future presidents.

Of course, this course of action was never followed, and so when it came to George W. Bush, there was no such precedent to provoke any second thoughts. Perhaps he would not have hesitated in any case. We will never know.

The Present Debate

At present, the debate within the Beltway is not over the Bush administration's culpability for illegal acts, but rather over the wisdom of releasing the Senate Intelligence Committee's report detailing the CIA use of torture on the president's orders. In other words, the wisdom of making public the evidence of Bush's criminality. Many feel that the report will make some foreigners so angry that they will attack Americans abroad. But then those folks already knew about U.S. torture and don't need the details to make them angry.

Sen. Dianne Feinstein, D-California, the present chair of the Senate Intelligence Committee, is the one who decided to release the report on torture. She did so because she is determined to "foreclose any prospect that the United States might contemplate such tactics again." She did not believe arguing about the morality of torture would achieve that goal and so she "set out to prove

[through the released report] that they [techniques of torture] did not work.” There are two things wrong with Feinstein’s reasoning in this regard:

First, Feinstein, too, appears ignorant of the fact that the futility of torture has been established for hundreds of years. And, just because torture has long been demonstrated not to work, what is the probability that a restatement of this fact will prevent the U.S. from using it again in the future?

As was the case in the Philippines, Vietnam, and in the war on terror, future American leaders will remain ignorant of or just forget about torture’s futility. The groundwork for this is already being laid. The incoming Chair of the Senate Intelligence Committee, Richard Burr, R-North Carolina, says he will not hold hearings on what the report reveals or follow up on it in any way.

“Put this report down to a footnote in history,” he said. Burr also dismisses the torture revelations as an attempt to “smear the Bush administration” – as if the facts of the matter were just contrived by political enemies to provoke a scandal.

Second, as former CIA analyst Ray McGovern suggests, it is quite possible that most in the Bush administration did not care whether torture really worked or not. McGovern tells us that what the White House wanted was a justification for an invasion of Iraq. [See Consortiumnews.com’s [“What’s the Next Step to Stop Torture.”](#)]

“Evidence” suggesting a link between Iraq and al-Qaeda would do just fine here. The pressure was on the CIA to produce that link and so they tortured al-Qaeda prisoners until they told them what President Bush wanted to hear. This seems a tempting gambit for use by future presidents who might share George W. Bush’s character.

Thus, if Dianne Feinstein wants to make sure that the U.S. government will not use torture in the future, just demonstrating (once more) that it does not work won’t do. The only thing that has a chance of achieving her goal is the strict enforcement the law against torture – take Bush and his accomplices and put them on trial for the crimes we all know they committed. Then, put the whole gang in jail for long enough to make a deep impression. With that precedent set, you have a shot at preventing U.S.-sanctioned torture in the future.

President Obama actually had an opportunity to set this precedent but, as we all know, he has declined to do so. One can imagine his advisers telling him that all presidents break the law in one way or another and to charge Bush with a crime would open Pandora’s Box – from that point on it would be open season on every future president. Yet, is it necessarily true that all presidents must go

around breaking the law? And, if so, why should any of us find this acceptable?

Despite the revelations of the Senate Intelligence Committee's report, the chances are pretty good that Bush and his operatives will get away with their crimes. And that means that chances are just as good that it will all happen again. The public's awareness of the facts is at best unreliable.

According to a Pew poll reported on Dec. 15, half of the American public even now believes that the use of torture was both justified and provided worthwhile intelligence. It is probable that the opinion of most elected officials is no different.

No one has yet been able to secure a meaningful place for relevant and accurate historical knowledge either in the mind of the general public or in the deliberations of policy makers. However, in both cases, ignorance and false assumptions seem secure in their positions of influence.

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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.

Todd E. Pierce retired as a Major in the U.S. Army Judge Advocate General (JAG) Corps in November 2012. His most recent assignment was defense counsel in the Office of Chief Defense Counsel, Office of Military Commissions.

Letting a Cuban Terrorist Go Free

From the Archive: As much as U.S. officials have decried "terrorism" even equating harboring a terrorist with the actual deed they have applied a completely different standard to "our" terrorists who are protected from extradition and treated with kid gloves, as Robert Parry reported in 2011.

By Robert Parry (Originally published on April 9, 2011)

The acquittal of right-wing Cuban militant Luis Posada Carriles on charges of lying to immigration officials in 2011 underscored the U.S. double standard on terrorists, applying delicate legal rules to “ours” and a rough-and-tumble approach to “theirs.”

In the Posada case, federal prosecutors sought to prove that Posada lied at an immigration hearing when he denied a role in a lethal bombing campaign inside Cuba in the 1990s. The perjury case rested heavily on taped admissions that Posada made in an interview with a New York Times reporter, although he later recanted those statements.

More notoriously, however, Posada was implicated in the mid-air bombing of a Cubana Airliner in 1976, killing 73 people onboard including the country’s youth fencing team. Though the evidence of Posada’s role in that attack is strong, U.S. authorities have ruled out turning him over to Venezuela or Cuba to face prosecution for mass murder.

As the acquittal on April 8, 2011, showed, Posada continued to earn lots of sympathy because the former CIA operative was viewed by some as a Cold War hero who has battled Fidel Castro for many years. At Posada’s perjury trial in El Paso, Texas, his lawyers appealed to the jury to let him live out his life in Miami. The jury apparently agreed, acquitting the 83-year-old after only three hours of deliberation.

In its totality – from prosecutors to judges to juries – the U.S. legal system appears to have adopted a de facto immunity for acts of terrorism by Posada and other right-wing Cubans. Yet, different standards of prosecutorial determination are demonstrated in Islamic terror cases.

While it doesn’t seem to matter how much evidence exists connecting Posada to the Cubana Airlines terror bombing, alleged Muslim “terrorists” have found themselves locked away on the flimsiest of suspicions. Some were “renditioned” to countries that are infamous for torture chambers and some were tortured by U.S. interrogators directly.

Some of these Muslim detainees turned out to be victims of mistaken identity. Others were eventually released without being charged with any crime. Some died in custody, including cases that were ruled homicides. However, Posada and his cohorts have mostly enjoyed comfortable lives in Miami where the Cuban-American community harbors them. They have had a long history of protection, too, under the wing of the Bush Family and other powerful U.S. politicians.

Indeed, Posada came to personify the hypocrisy of George W. Bush’s famous

declaration that harboring a terrorist was no better than being a terrorist. On May 2, 2008, for example, Posada was feted at a gala fundraising dinner in Miami. Some 500 supporters chipped in to his legal defense fund and Posada arrived to thundering applause.

In a bristling speech against the Castro regime, Posada told his supporters, "We ask God to sharpen our machetes."

Venezuelan Ambassador Bernardo Alvarez protested the Bush administration's tolerance of the dinner. "This is outrageous, particularly because he kept talking about [more] violence," Alvarez said.

Bosch's Rant

Similarly, his alleged co-conspirator in the Cubana Airlines bombing, Orlando Bosch, showed no remorse for his violent past. In a TV interview, reporter Manuel Cao on Miami's Channel 41 asked Bosch to comment on the civilians who died when the Cubana plane crashed off the coast of Barbados.

Bosch responded, "In a war such as us Cubans who love liberty wage against the tyrant [Fidel Castro], you have to down planes, you have to sink ships, you have to be prepared to attack anything that is within your reach."

"But don't you feel a little bit for those who were killed there, for their families?" Cao asked.

"Who was on board that plane?" Bosch responded. "Four members of the Communist Party, five North Koreans, five Guyanese." [Officials tallies actually put the Guyanese dead at 11.]

Bosch added, "Four members of the Communist Party, chico! Who was there? Our enemies"

"And the fencers?" Cao asked about Cuba's amateur fencing team that had just won gold, silver and bronze medals at a youth fencing competition in Caracas. "The young people onboard?"

Bosch replied, "I was in Caracas. I saw the young girls on television. There were six of them. After the end of the competition, the leader of the six dedicated their triumph to the tyrant. She gave a speech filled with praise for the tyrant. We had already agreed in Santo Domingo, that everyone who comes from Cuba to glorify the tyrant had to run the same risks as those men and women that fight alongside the tyranny."

[The comment about Santo Domingo was an apparent reference to a meeting by a right-wing terrorist organization, CORU, which took place in the Dominican

Republic in 1976 and which involved a CIA undercover asset.]

"If you ran into the family members who were killed in that plane, wouldn't you think it difficult?" Cao asked.

"No, because in the end those who were there had to know that they were cooperating with the tyranny in Cuba," Bosch answered.

Though Bosch and Posada have formally denied masterminding the Cubana Airlines bombing, Bosch's incriminating statements and other evidence in U.S. government files make the case of his and Posada's guilt overwhelming.

Declassified U.S. documents show that soon after the Cubana plane was blown out of the sky on Oct. 6, 1976, the CIA, then under the direction of George H.W. Bush, identified Posada and Bosch as the masterminds of the bombing.

But in fall 1976, Bush's boss, President Gerald Ford, was in a tight election battle with Democrat Jimmy Carter and the Ford administration wanted to keep intelligence scandals out of the newspapers. So Bush and other officials kept the lid on the investigations. [See Robert Parry's Secrecy & Privilege.]

Secret Cables

Still, inside the U.S. government, the facts were well known. According to a secret CIA cable dated Oct. 14, 1976, intelligence sources in Venezuela relayed information about the Cubana Airlines bombing that tied in Bosch, who had been visiting Venezuela, and Posada, who then served as a senior officer in Venezuela's intelligence agency, DISIP.

The Oct. 14 cable said Bosch arrived in Venezuela in late September 1976 under the protection of Venezuelan President Carlos Andres Perez, a close Washington ally who assigned his intelligence adviser Orlando Garcia "to protect and assist Bosch during his stay in Venezuela."

On his arrival, Bosch was met by Garcia and Posada, according to the report. Later, a fundraising dinner was held in Bosch's honor. "A few days following the fund-raising dinner, Posada was overheard to say that, 'we are going to hit a Cuban airplane,' and that 'Orlando has the details,'" the CIA report said.

"Following the 6 October [1976] Cubana Airline crash off the coast of Barbados, Bosch, Garcia and Posada agreed that it would be best for Bosch to leave Venezuela. Therefore, on 9 October, Posada and Garcia escorted Bosch to the Colombian border, where he crossed into Colombian territory."

In South America, police began rounding up suspects. Two Cuban exiles, Hernan Ricardo and Freddy Lugo, who got off the Cubana plane in Barbados, confessed

that they had planted the bomb. They named Bosch and Posada as the architects of the attack. A search of Posada's apartment in Venezuela turned up Cubana Airlines timetables and other incriminating documents.

Posada and Bosch were charged in Venezuela for the Cubana Airlines bombing, but the case soon became a political tug-of-war, since the suspects were in possession of sensitive Venezuelan government secrets that could embarrass President Andres Perez.

After President Reagan and Vice President George H.W. Bush took power in Washington in 1981, the momentum for fully unraveling the mysteries of anti-communist terrorist plots dissipated. Reagan's ramped-up Cold War trumped any concern about right-wing terrorism.

In 1985, Posada escaped from a Venezuelan prison where he was awaiting trial. In his autobiography, Posada thanked Miami-based Cuban activist Jorge Mas Canosa for the \$25,000 that was used to bribe guards who allowed Posada to walk out of prison.

Another Cuban exile who aided Posada was former CIA officer Felix Rodriguez, who was close to then-Vice President Bush. At the time, Rodriguez was handling secret supply shipments to the Nicaraguan Contra rebels, a pet project of President Reagan.

After fleeing Venezuela, Posada joined Rodriguez in Central America and began using the code name "Ramon Medina." Posada was assigned the job of paymaster for pilots in the White House-run Contra-supply operation.

Jeb Bush Intervenes

By the late 1980s, Orlando Bosch also was out of Venezuela's jails and back in Miami. But Bosch, who had been implicated in about 30 violent attacks, was facing possible deportation by U.S. officials who warned that Washington couldn't credibly lecture other countries about terrorism while protecting a terrorist like Bosch.

But Bosch got lucky. Jeb Bush, then an aspiring Florida politician, led a lobbying drive to prevent the U.S. Immigration and Naturalization Service from expelling Bosch. In 1990, the lobbying paid dividends when Jeb's dad, President George H.W. Bush, blocked proceedings against Bosch, letting the unapologetic terrorist stay in the United States.

In 1992, also during the Bush-41 presidency, the FBI interviewed Posada about the Iran-Contra scandal for 6 ½ hours at the U.S. Embassy in Honduras. Posada filled in some blanks about the role of Bush's vice presidential office in the

secret contra operation.

According to a 31-page summary of the FBI interview, Posada said Bush's national security adviser, former CIA officer Donald Gregg, was in frequent contact with Felix Rodriguez. "Posada recalls that Rodriguez was always calling Gregg," the FBI summary said. "Posada knows this because he's the one who paid Rodriguez' phone bill." After the interview, the FBI agents let Posada walk out of the embassy unmolested. [For details, see Parry's [Lost History](#).]

In 2005, when Posada sneaked into Miami, then-Florida Gov. Jeb Bush made little effort to capture him. Posada was detained only after he held a news conference. Then, instead of extraditing Posada to Venezuela to stand trial for a terrorist mass murder, George W. Bush's administration engaged in a lackadaisical effort to have him deported somewhere else for lying on an immigration form.

During a 2007 court hearing in Texas, Bush administration lawyers allowed to go unchallenged testimony from a Posada friend that Posada would face torture if he were returned to Venezuela. The judge, therefore, barred Posada from being deported there.

After that ruling, Venezuelan Ambassador Alvarez accused the administration of "a cynical double standard" in the "war on terror." As for the claim that Venezuela practices torture, Alvarez said, "There isn't a shred of evidence that Posada would be tortured in Venezuela."

The Obama administration's Justice Department did prosecute Posada on perjury charges (the case that was lost on April 8, 2011) but has shown no interest in seeking justice for the Cubana Airlines victims. To do so would surely have had political repercussions in the swing state of Florida.

The U.S. news media remains similarly blasé about Posada walking free in El Paso, in contrast to their dudgeon over Libya's supposed role in the mid-air bombing of Pan Am 103, which killed 270 people in 1988. The widely presumed guilt of Muammar Gaddafi's government is often cited as part of the justification for seeking violent "regime change" in Libya.

At leading news outlets, such as the New York Times, Libyan guilt for the Pan Am 103 bombing is stated as flat fact, even though the evidence is much weaker indeed threadbare compared to what exists against Posada and Bosch on the Cubana Airlines case. [For more on the Pan Am 103 case against Libya, see Consortiumnews.com's ["Through the US Media Lens Darkly."](#)]

Still, the Times and other top U.S. news organizations cite one act of terrorism (Pan Am 103) in demanding U.S. air attacks to slaughter Libyan army troops and pave the way for a rebel conquest of Tripoli. In the parallel (Cubana) case, the

U.S. news media and government officials shrug as Luis Posada Carriles escapes accountability and retires in Miami.

Investigative reporter Robert Parry broke many of the Iran-Contra stories for The Associated Press and Newsweek in the 1980s. You can buy his latest book, *America's Stolen Narrative*, either in [print here](#) or as an e-book (from [Amazon](#) and [barnesandnoble.com](#)). For a limited time, you also can order Robert Parry's trilogy on the Bush Family and its connections to various right-wing operatives for only \$34. The trilogy includes *America's Stolen Narrative*. For details on this offer, [click here](#).

Torture Impunity and Police Shootings

A danger from the "war on terror" was always that it would encourage the spread of an authoritarian U.S. state, ignoring international law abroad and constitutional rights at home, a process that is now growing more apparent with impunity for both torturers and police who kill minorities, writes Nat Parry.

By Nat Parry

The international fallout from last week's long-delayed release of the Senate Intelligence Committee's 500-page [executive summary](#) of its still-classified 6,000 report on CIA torture could hardly be more intense, with [calls](#) coming from the United Nations, foreign governments and the human rights community for prosecutions of those who carried out or authorized the torture techniques described in the report, including senior officials from the Bush administration.

But judging from the self-assured comments of CIA and former administration officials, there is no real concern over the possibility of any criminal liability, a lack of accountability which has led to a palpable arrogance among those who would be behind bars if laws were actually enforced on an equal basis in the United States.

The above-the-law sense of entitlement was perhaps most clearly on display in former Vice President Dick Cheney's [appearance](#) this Sunday on "Meet the Press," stating that when it comes to using torture, "I'd do it again in a minute."

When presented with gruesome details from the Senate report on torture for example the newly revealed "enhanced interrogation technique" of "rectal feeding," i.e., anal rape and asked for his definition of what might constitute "torture" in a legal sense, Cheney retorted that torture is "an American citizen

on his cellphone making a last call to his four young daughters shortly before he burns to death in the upper levels of the Trade Center in New York on 9/11.”

Short of this rather high bar, nothing, by definition, that the United States does to its detainees could conceivably be considered torture.

Similarly, when asked about the large number of innocent people (26 out of 119 CIA detainees, according to the report) who had tragically been detained and tortured in error, for example Gul Rahman a victim of mistaken identity who was chained to the wall of his cell, doused with water and froze to death in CIA custody Cheney stated indifferently that these individuals essentially don't matter in the grand scheme of things. The only problem that Cheney had was “with the folks that we did release that end up back on the battlefield.”

“I'm more concerned with bad guys who got out and released than I am with a few that, in fact, were innocent,” he said. Taken to its logical conclusion, Cheney's reasoning would seem to hold that it is preferable to indefinitely detain and torture a million innocent people than to allow one “bad guy” to slip through the cracks. The implications of this logic are, needless to say, chilling (not to mention completely at odds with the legal principle of presumed innocence).

A Courtroom Defense

At times, watching Cheney make these cold rationalizations on “Meet the Press,” it may have occurred to viewers that the more appropriate venue for this interview would have been on the witness stand of a courtroom. After all, what Cheney was defending was not just controversial policy choices, but clearly defined crimes of torture and murder.

Although he was sure to emphasize that “All of the techniques that were authorized by the President were, in effect, blessed by the Justice Department,” the fact remains that providing the cover of law to a crime makes it no less of a crime.

This is a point that UN Special Rapporteur on Human Rights and Counterterrorism Ben Emmerson specifically made last week following the release of the report. In [a statement](#), Emmerson said, “The fact that the policies revealed in this report were authorized at a high level within the U.S. government provides no excuse whatsoever. Indeed, it reinforces the need for criminal accountability.”

Emphasizing that all individuals responsible for “the criminal conspiracy” described in the Senate report “must be brought to justice, and must face criminal penalties commensurate with the gravity of their crimes,” Emmerson noted that “international law prohibits the granting of immunities to public

officials who have engaged in acts of torture.”

Judging from Cheney’s arrogant display on “Meet the Press,” however, there appears to be very little appreciation for the niceties of international law such as its expressed prohibition on official immunity when it comes to the crime of torture. He seems to be quite confident, indeed, that official immunity is unnecessary when there is an implied unofficial immunity that is granted to public officials in the United States, this being the case whether it pertains to CIA torture or police brutality.

Police Shootings

The same arrogance that Cheney is so casually displaying can also be seen in the closely paralleled story of the recent spate of police shootings and killings of innocent or unarmed African-Americans, and the remarkable wave of demonstrations that has taken hold across the United States in response.

With large-scale protests happening in most major American cities over the past month particularly since grand juries decided not to indict the police officers who killed Michael Brown in Ferguson, Missouri, and Eric Garner in New York City one might think that cops would be extra careful these days not to come across overly arrogant or obdurate. This, however, would not be the case.

In response to the NFL’s Cleveland Browns’ wide receiver Andrew Hawkins taking the field on Sunday wearing a T-shirt protesting recent police shootings in Ohio reading “Justice for Tamir Rice and John Crawford” on the front and “The Real Battle for Ohio” on the back Jeff Follmer, president of the Cleveland police union, claimed the shirt was disrespectful and he disparaged the very idea of athletes holding opinions about anything other than sports.

“It’s pretty pathetic when athletes think they know the law,” Follmer said in a statement. “They should stick to what they know best on the field.” In other words, keep your opinions to yourself, boy, and just play football. Follmer also demanded an apology from the Cleveland Browns organization, which to their credit, the Browns did not extend.

Instead, the Browns fired back with a statement saying the organization endorses the rights of players “to project their support and bring awareness to issues that are important to them if done so in a responsible manner.”

Hawkins also weighed in with comments to the media that revealed, in fact, a deep knowledge and understanding of what law and justice mean (or should mean), contrary to Follmer’s condescending remarks. “Justice,” he said, “is a right that every American should have. Justice means that the innocent should be found

innocent. It means that those who do wrong should get their due punishment.”

His six-minute locker-room monologue to reporters ended with him choking up while drawing a parallel between his own young son and the tragic death of Tamir Rice, the 12-year-old boy shot by police in Cleveland on Nov. 22 while holding a toy gun.

“My number one reason for wearing the T-shirt was the thought of what happened to Tamir Rice happening to my little Austin. And that scares the living hell out of me,” he said.

Protests and Fears

This genuine, personal fear of police violence is one that has been widely expressed over the last several weeks of protests taking hold across the country. As Democracy Now’s Aaron Mat© reported from New York’s “Millions March” on Saturday, one of the dominant themes being expressed on the streets was “a sense of not feeling safe, not feeling safe themselves and not feeling safe for their loved ones, people of color in heavily policed communities.”

Interviewing protester Darrell Greene, Mat© asked him to explain his sign, which read “Me, my father, my son. Who’s next?”

Greene responded, “At this point, I know I’m a productive citizen, and I don’t feel safe in my own community. I’ve never been in trouble with law enforcement. And from what I’m seeing on the news and what’s been going on, I really wonder: Am I next? I’m wondering if the people in my community are next. We’re all productive citizens, and we’re in fear for our life. We feel like it’s open season on all minorities, and we want to know if we’re really safe.”

Protester Nilan Johnson echoed these sentiments. “I’m here because Americans, period, are being preyed on, right now,” he said. “African-Americans are once again fighting for the right to be human, and I think that’s horrible.”

Asked whether he feels, as a person of color, whether he is unsafe in his community, Johnson replied, “That’s I feel that daily, so I feel that’s a preconditioned nature now. I feel threatened and marked and cornered. And everybody here feels the same way. And we’re trying to keep our humanity.”

If not a direct byproduct of the war on terror’s excesses and the impunity that law-breakers at the highest levels of government enjoy, this feeling of powerlessness, insecurity and injustice is certainly closely related. Indeed, as far back as 2007, civil rights leaders were drawing these connections, in particular in a report prepared for the United Nations entitled “In The Shadows Of The War On Terror: Persistent Police Brutality and Abuse of People of Color

in the United States.”

Since 9/11, the report explained, “there have been dramatic increases in law enforcement powers in the name of waging the ‘war on terror,’” while simultaneously, counter-terrorism policies have “created a generalized climate of impunity for law enforcement officers, and contributed to the erosion of what few accountability mechanisms exist for civilian control over law enforcement agencies.”

This has led to an erosion of public discussion and accountability with respect to the use of excessive force against people of color, while at the same time, “systemic abuse of people of color by law enforcement officers has not only continued since 2001 but has worsened in both practice and severity,” according to the report. As a representative of the NAACP put it, “the degree to which police brutality occurs is the worst I’ve seen in 50 years.”

Troubling Trend

Even establishment publications such as the Wall Street Journal have noticed the troubling trend of rising police violence and its connections with the war on terror. As a feature article in WSJ put it in August 2013, “the war on drugs and, more recently, post-9/11 antiterrorism efforts have created a new figure on the U.S. scene: the warrior cop armed to the teeth, ready to deal harshly with targeted wrongdoers, and a growing threat to familiar American liberties.”

This threat to liberties is compounded when the justice system fails to hold accountable those who break the law and violate people’s rights. Whether it is Eric Garner in New York or Gul Rahman in Afghanistan, the victims of injustice must have redress, and “those who do wrong should get their due punishment,” in the words of Cleveland Browns wide receiver Andrew Hawkins.

As human rights advocates and civil libertarians have warned since the early days of the “war on terror,” human rights violations of terror suspects will eventually set the United States on a slippery slope in which authorities deem it optional whether to respect the human rights of anyone, including U.S. citizens. At that point, anyone is fair game, and all of us, including law-abiding Americans, may find ourselves at the mercy of an unsympathetic authoritarian state.

Nat Parry is the co-author of *Neck Deep: The Disastrous Presidency of George W. Bush.* [This story previously appeared at EssentialOpinion.]

Giving the Torturers a Pass

During Watergate, senior U.S. officials went to jail for lying and obstructing justice. Many politicians have gone to prison for taking bribes and for corruption. But it's somehow unthinkable to prosecute Bush administration officials implicated in torture and murder, an attitude that Marjorie Cohn rejects.

By Marjorie Cohn

Reading the 499-page torture report just released by the Senate Select Committee on Intelligence was a disgusting experience. Even after many years of writing books and articles about the Bush torture policy, I was unprepared for the atrocious pattern of crimes our government committed against other human beings in our name.

One of the most hideous techniques the CIA plied on detainees was called "rectal rehydration" or "rectal feeding" without medical necessity – a sanitized description of rape by a foreign object. A concoction of pureed "hummus, pasta with sauce, nuts and raisins" was forced into the rectum of one detainee. Another was subjected to "rectal rehydration" to establish the interrogator's "total control over the detainee." This constitutes illegal, cruel, inhuman and degrading treatment and a humiliating outrage upon personal dignity.

Several detainees were waterboarded, a technique whereby water is poured into the nose and mouth to cause the victim to think he's drowning. One detainee in CIA custody was tortured on the waterboard 183 times; another was waterboarded 83 times. Waterboarding has long been considered torture, which is a war crime. Indeed, the United States hanged Japanese military leaders for the war crime of torture after World War II.

Other "enhanced interrogation techniques" (EIT) included being slammed into walls, hung from the ceiling, kept in total darkness, deprived of sleep – sometimes with forced standing – for up to seven and one-half days, forced to stand on broken limbs for hours on end, threatened with mock execution, confined in a coffin-like box for 11 days, bathed in ice water, dressed in diapers. One detainee "literally looked like a dog that had been kenneled."

The executive summary of the torture report was made public, but the 6,700-page report remains classified. The summary depicts the CIA at best, as keystone cops, at worst, as pathological, lying, sadistic war criminals. The CIA lied repeatedly about the effectiveness of the torture and cruel treatment. Interrogations of detainees were much more brutal than the CIA represented to

government officials and the American public.

Bush's CIA directors George Tenet, Porter Goss and Michael Hayden should be charged with crimes, along with their minions who carried out the torture.

Obama Violates Constitutional Duty

In light of the gruesome revelations in the torture report, it is high time President Barack Obama fulfilled his constitutional duty to enforce the law. The U.S. Constitution states the president "shall take care that the laws are faithfully executed." Yet Obama refuses to sanction prosecutions of those responsible for the torture.

The report documents torture and cruel, inhuman, and degrading treatment, all of which violate U.S. and international law. The War Crimes Act punishes torture as a war crime. The Torture Statute (Statute) provides that whoever "outside the United States" commits or attempts to commit torture shall be imprisoned for not more than 20 years "and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life."

The statute defines torture as an "act intended to inflict severe physical or mental pain or suffering upon another person within his custody or physical control."

When the United States ratified the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Geneva Conventions, we promised to prosecute or extradite those who commit or are complicit in the commission of torture. A ratified treaty is part of U.S. law under the Constitution's Supremacy Clause. Yet the Obama administration persists in its refusal to bring the culprits to justice.

On Jan. 11, 2009, nine days before Obama was sworn into office, George Stephanopoulos of ABC News confronted the newly elected president with the "most popular question on your own website, change.gov"- whether Obama would investigate torture by members of the Bush administration. Obama responded:

"I don't believe that anybody is above the law. On the other hand, I also have a belief that we need to look forward, as opposed to looking backward. . . . At the CIA, you've got extraordinarily talented people who are working very hard to keep Americans safe. I don't want them to suddenly feel like they've got to spend all their time looking over their shoulders, lawyering up."

Now we know that many of those people at the CIA were using their extraordinary talents to devise new and more horrific ways to torture, humiliate, degrade and

mistreat the people under their control.

To his credit, shortly after he was inaugurated, Obama signed an executive order banning torture. But hunger strikers at Guantánamo are still force-fed, a practice that violates the Torture Convention, according to the UN Committee Against Torture (CAT).

In 2009, U.S. Attorney General Eric Holder ordered an investigation headed by veteran prosecutor Assistant U.S. Attorney John Durham. But, two years later, Holder announced that his office would investigate only the deaths of Gul Rahman and Manadel al-Jamadi, who died while in CIA custody. Holder said that the Justice Department had “determined that an expanded criminal investigation of the remaining matters is not warranted.” With that decision, Holder made clear that no one would be held accountable for the torture and abuse except possibly for the deaths of Rahman and al-Jamadi.

Ultimately, the Obama administration gave a free pass to those responsible for the two deaths. Rahman froze to death in 2002, after being stripped and shackled to a cold cement floor in the secret Afghan prison known as the Salt Pit. Al-Jamadi died after he was suspended from the ceiling by his wrists, which were bound behind his back. Military police officer Tony Diaz, who was present during al-Jamadi’s torture, said that blood gushed from his mouth like “a faucet had turned on” when he was lowered to the ground. A military autopsy determined that al-Jamadi’s death was a homicide.

Nevertheless, Holder said that “based on the fully developed factual record concerning the two deaths, the department has declined prosecution because the admissible evidence would not be sufficient to obtain and sustain a conviction beyond a reasonable doubt.”

Torture is Who They Are

After the report was made public, the White House issued a statement calling the CIA interrogation program “harsh” and the treatment “troubling” – a study in understatement. Obama said that torture “is contrary to who we are.”

But torture is who President George W. Bush, Vice President Dick Cheney, Defense Secretary Donald Rumsfeld and Secretary of State Condoleezza Rice are. Under the well-established doctrine of command responsibility, commanders are liable for war crimes if they knew, or should have known, their subordinates would commit them and they did nothing to stop or prevent it.

In 2008, ABC News reported that the National Security Council Principals Committee consisting of Cheney, Rice, Rumsfeld, Tenet and Ashcroft met in the White House and micromanaged the torture of terrorism suspects by approving

specific torture techniques such as waterboarding. Bush admitted in his 2010 memoir that he authorized waterboarding. Cheney, Rice and Justice Department legal adviser John Yoo have made similar admissions.

Indeed, Cheney recently admitted on Fox News that Bush “was in fact an integral part of the interrogation program, and he had to approve it.” Cheney added, “We did discuss the techniques. There was no effort on our part to keep him from that.” Karl Rove told Fox News that Bush was “intimately involved in the decision” to use the EIT. Rove said Bush “was presented, I believe, 12 techniques, he authorized the use of 10 of them, including waterboarding.”

Bush, Cheney, Rumsfeld and Rice should be prosecuted for their crimes.

The Senate report contains example after example of why “the use of the CIA’s enhanced interrogation techniques was not an effective means of obtaining accurate information or gaining detainee cooperation.” It says: “Multiple CIA detainees fabricated information, resulting in faulty intelligence . . . on critical intelligence issues including the terrorist threats which the CIA identified as its highest priorities.” Yet the CIA continually lied that the EIT “saved lives.”

Legal Mercenaries Should Be Prosecuted

The report says the Justice Department’s Office of Legal Counsel (OLC) relied on the CIA’s numerous misrepresentations when crafting OLC memos authorizing the techniques. But the report gives OLC lawyers, including Deputy Assistant U.S. Attorney General John Yoo (now a law professor at Berkeley) and Assistant Attorney General Jay Bybee (now a federal appellate court judge), free passes by failing to connect the dots leading to their criminal responsibility as war criminals.

The OLC’s infamous “torture memos” contain twisted legal reasoning that purported to define torture more narrowly than U.S. law allows. The memos advised high Bush officials how to avoid criminal liability under the War Crimes Act.

Yoo, Bybee and company knew very well that the techniques the CIA sought to employ were illegal. Their Aug. 1, 2002, memo advised that attention grasp, walling, facial hold, facial slap (insult slap), cramped confinement box and the waterboard passed legal muster under the act. They knew these techniques constitute torture or cruel, inhuman or degrading treatment, in violation of the Torture Statute, and the Torture Convention.

The Torture Convention is unequivocal: “No exceptional circumstances whatsoever, whether a state of war or a threat or war, internal political instability or any

other public emergency, may be invoked as a justification of torture." In light of that clear prohibition, the OLC lawyers knew that "necessity" and "self-defense" are not defenses to torture. Whether the CIA was being forthright about the necessity for, or effectiveness of, the techniques was irrelevant to the faulty legal analysis in the torture memos.

Moreover, after the report was released, Cheney told The New York Times: "The program was authorized. The agency did not want to proceed without authorization, and it was also reviewed legally by the Justice Department before they undertook the program."

Bush's attorneys general, Alberto Gonzales, John Ashcroft and Michael Mukasey, who oversaw the Justice Department, should be criminally charged, together with the OLC's legal mercenaries.

The report also fails to connect the dots to the Pentagon. In December 2002, Rumsfeld approved interrogation techniques that included the use of dogs, hooding, stress positions, isolation for up to 30 days, 20-hour interrogations, deprivation of light and sound, using scenarios to convince the detainee that death or severely painful consequences are imminent for him and/or his family, and using a wet towel and dripping water to induce the misperception of suffocation.

And the report gives short shrift to the extraordinary rendition program, where detainees were illegally sent to other countries to be tortured. The report refers to "renditions," which are conducted with judicial process. But detainees were rendered to black sites in Syria, Libya and Egypt in order to avoid legal accountability.

No Impunity

"The individuals responsible for the criminal conspiracy revealed in [the Senate] report must be brought to justice and must face criminal penalties commensurate with the gravity of their crimes," according to Ben Emmerson, the UN Special Rapporteur on Counter Terrorism and Human Rights. And the UN's CAT said the Obama administration has failed to investigate the commission of torture and punish those responsible, including "persons in positions of command and those who provided legal cover to torture."

A special prosecutor should be appointed to investigate those from the CIA, the DOJ, and the high officials of the Bush administration who violated, or aided and abetted the violation of, our laws banning torture and cruel, inhuman and degrading treatment. The full 6,700-page Senate report should be declassified.

But Obama said, "Rather than another reason to refight old arguments, I hope

that today's report can help us leave these techniques where they belong – in the past." Yes, these crimes were committed in the past. Crimes are always prosecuted after they are committed. Obama should be reminded of his constitutional duty to enforce the law.

If we don't bring the offenders to justice, they could eventually get their due when other countries prosecute them under "universal jurisdiction." Some crimes are so atrocious that countries can punish foreign nationals, the way Israel tried, convicted and executed Adolph Eichmann for his crimes during the Holocaust, even though they had no direct connection to Israel.

Emmerson also said, "Torture is a crime of universal jurisdiction. The perpetrators may be prosecuted by any other country they may travel to."

The following grave breaches of the Geneva Conventions constitute war crimes punishable under the Rome Statute of the International Criminal Court (ICC), when committed as part of a plan or policy: torture, willful killing, inhuman treatment, and willfully causing great suffering or serious injury to body or health.

The Senate report documented instances of willful killing (death); great suffering (hysterical, asking to die, attempts at self harm); and serious injuries (placed on life support, hallucinations) caused by the EIT. Yoo admitted in his 2006 book that the denial of Geneva protections and coercive interrogation "policies were part of a common, unifying approach to the war on terrorism."

Although the United States is not a party to the ICC, other countries could prosecute U.S. nationals under universal jurisdiction for the core crimes in the Rome Statute.

Obama declared, "Hopefully, we don't do it again." But Obama's hopeful sentiments won't do the trick. The only way to prevent others from using torture and cruel treatment in the future is to bring those responsible to justice. We must send a message to would-be torturers that they will not enjoy impunity for their crimes. Torture has no statute of limitations.

In light of the torture report, the responsibility for the U.S. targeted killing program – by drones and manned bombers – should be removed from the CIA, which cannot be trusted with such awesome responsibility.

Indeed, the entire targeted killing program should be the subject of the next congressional report. Anticipating the imminent release of the torture report, Obama stated, "We did a whole lot of things that were right," after September 11, "but we tortured some folks."

The Bush administration did torture some folks. But we are still doing other things that are not right. The Obama administration has avoided adding detainees to the Guantánamo roster by illegally assassinating them without judicial process. For this, members of Team Obama should also find themselves as criminal defendants someday.

Marjorie Cohn is a professor at Thomas Jefferson School of Law, a former president of the National Lawyers Guild, and deputy secretary general for scientific work of the International Association of Democratic Lawyers. Her books include *The United States and Torture: Interrogation, Incarceration, and Abuse*; *Cowboy Republic: Six Ways the Bush Gang Has Defied the Law*; and *Drones and Targeted Killing: Legal, Moral, and Geopolitical Issues*. She testified twice before Congress about the Bush administration torture policy. Copyright, [Truthout](#). Reprinted with permission.

How ‘Awesome’ Is America?

Exclusive: America has an extraordinary capacity to submerge unpleasant truths about its past and present, from African-American slavery and Native-American genocide to bloodbaths in Vietnam and Iraq. Now faced with clear evidence of torture, one cheerleader simply says the U.S. is “awesome,” as Robert Parry reports.

By Robert Parry

Fox News host Andrea Tantaros is facing some well-deserved ridicule for refuting the stomach-turning Senate Intelligence Committee report on torture by declaring that “The United States is awesome. We are awesome” and claiming that the Democrats and President Barack Obama released the report because they want “to show us how we’re not awesome.”

Tantaros’s rant did have the feel of a Saturday Night Live satire, but her upbeat jingoism was only a slight exaggeration of what Americans have been hearing from much of their media and politicians for decades. At least since the presidency of Ronald Reagan, any substantive criticism of the United States has been treated as unpatriotic.

Indeed, a journalist or a politician who dares point out any fundamental flaws in the country or even its actual history can expect to have his or her patriotism challenged. That is how debate over “how we’re not awesome” is silenced.

Fox News may be the poster child of this infantile anti-intellectualism but the same sentiments can be found on the Washington Post's neocon editorial pages or in the higher-brow New Republic. If you dare point out that America or one of its favored "allies" has done some wrong around the world, you're an enemy "apologist." If you regularly adopt a critical stance, you will be marginalized.

That's why so many serious national problems have lingered or gotten worse. If we don't kill the messenger, we denounce him or her as un-American.

For instance, the data on racial disparities in police killings and prison incarcerations have long been available, but the vast majority of whites seem oblivious to these continued injustices. To point out that the United States has still not done the necessary hard work to correct these history-based imbalances makes you seem out of step amid the happy-face belief that whatever racism there was is now gone. We have a black president, you know.

So, when white police shoot or otherwise apply excessive violence against blacks at a wildly disproportionate rate to whites, many white Americans just shrug. They even get annoyed if black athletes join in some symbolic protests like raising their hands as Michael Brown did before he was shot to death in Ferguson, Missouri. Many people hate to have the real world intrude on their sports entertainment.

In reaction to such events, Fox News and much of talk radio find reasons to ridicule the victims and the protesters rather than address the real problems. The unwelcome evidence of racism is just another excuse to roll the eyes and infuse the voice with dripping sarcasm.

Mundane Neglect

On a more mundane level in Arlington County, Virginia, where I live, many whites simply don't see the racial disparities though they are all around. While overwhelmingly white North Arlington benefits from all manner of public investments, including a state-of-the-art subway system which cost billions upon billions of dollars and amenities like a \$2 million "dog park renovation," racially diverse South Arlington, the historic home of the County's black population, is systematically shortchanged, except when it comes to expanding the sewage treatment plant.

When the County Board finally approved a much cheaper light-rail mass-transit plan for South Arlington's Columbia Pike and voted for a public pool complex in another South Arlington neighborhood, North Arlington residents rose up in fury. The local newspaper, the Sun-Gazette, which doesn't even distribute in much of South Arlington due to the demographics rallied the political opposition.

Before long, the County Board was in retreat, killing both the public pools and the light-rail plan, all the better to free up taxpayer money for more North Arlington projects. Yet, when I have noted the racial component to how the two halves of the county are treated, many Arlington whites get furious. They simply don't see the residual racism or don't want to see it. They view themselves as enlightened even as they favor neglecting their black and brown neighbors.

After I wrote [a column](#) about the history of Columbia Pike, which became an African-American freedom trail after President Abraham Lincoln signed the Emancipation Proclamation and ex-slaves escaped up the roadway toward Washington, one reader complained that I had slighted Robert E. Lee by saying he had "deserted" the U.S. Army when his fans prefer saying that he "resigned his commission," which sounds so much more proper.

The point is interesting not only because the commenter didn't seem nearly as concerned about the fate of the African-Americans, some of whom joined the U.S. Colored Troops to fight for the final defeat of slavery. And not only because General Lee violated his oath as a U.S. officer in which he swore to "bear true allegiance to the United States of America" and to "serve them honestly and faithfully against all their enemies or opposers whatsoever, and observe and obey the orders of the President of the United States."

But the commenter's point is also interesting because it underscores how white Americans have excused and even glorified the Confederate "heroes" who were fighting to protect a system based on the ownership of other human beings. If you have any doubt about the glorification, just visit Monument Avenue in Richmond, Virginia, where towering statues of Confederate generals dominate the skyline.

Or, if you're in Arlington and driving on Route One, you might notice that it is still named in honor of Jefferson Davis, the president of the Confederacy who was a fervent white supremacist and a major slaveholder. And, if President Davis and General Lee had been successful in their war of secession, it could have meant that slavery might never have ended. Yet, these protectors of slavery are treated with the utmost respect and any slight toward them requires a protest.

Crude Racism

My writings about Thomas Jefferson also have elicited anger from some people who wish to idolize him as a noble philosopher/statesman when the reality was that he was a crude racist (see his *Notes on the State of Virginia*) who mistreated his Monticello slaves, including having boys as young as ten whipped and raping one and likely other of his slave girls. [See Consortiumnews.com's "[Thomas Jefferson: America's Founding Sociopath.](#)"]

Much like the defender of Robert E. Lee who preferred more polite phrasing about the general's betrayal of his oath, defenders of the Jefferson myth expressed much more outrage over my pointing out these inconvenient truths about their hero than they did about the victims of Jefferson's despicable behavior and stunning hypocrisies.

Which gets us back to Andrea Tantaros and how "awesome" America is. The context for her remarks was the release of the Senate Intelligence Committee's torture report which detailed what can no longer be euphemized away as "enhanced interrogation techniques" or EITs as CIA officials prefer.

The only word that can now apply is torture, at least for anyone who has read the page-after-page of near drownings via waterboard, the hallucinatory effects of sleep deprivation, the pain inflicted by hanging people from ceilings, and the sexual sadism of keeping detainees naked and subjecting them to anal rape under the pretext of "rectal rehydration" and "rectal feeding."

The various apologists for this torture people like Tantaros, Vice President Dick Cheney and Washington Post columnist Charles Krauthammer prefer to counterattack by questioning the patriotism or the intellectual consistency of those Americans who are outraged at these actions. The torture defenders excuse the behavior because we were scared after 9/11 and wanted the Bush administration to do whatever it took to keep us safe.

All of these excuses are designed to prevent the sort of soul-searching that one should expect from a mature democratic Republic, a country that seeks to learn from its mistakes, not cover them up or forget them.

Instead of Americans confronting these dark realities of both their history and their present and making whatever amends and adjustments are necessary the torture apologists or those who don't see racism would simply have us wave the flag and declare how "awesome" we are.

Investigative reporter Robert Parry broke many of the Iran-Contra stories for The Associated Press and Newsweek in the 1980s. You can buy his latest book, *America's Stolen Narrative*, either in [print here](#) or as an e-book (from [Amazon](#) and [barnesandnoble.com](#)). For a limited time, you also can order Robert Parry's trilogy on the Bush Family and its connections to various right-wing operatives for only \$34. The trilogy includes *America's Stolen Narrative*. For details on this offer, [click here](#).

America's Illusion of Free Will

The mainstream U.S. news media's narrow parameters, especially on foreign policy issues, give the American people little opportunity to engage in meaningful debate or to influence outcomes. Typically, public perceptions are managed and consensus is manufactured, as Lawrence Davidson writes.

By Lawrence Davidson

Most Americans believe they have a range of choices in their daily lives and that they may choose among them freely. That is, they intuitively believe that their choices are made autonomously and without outside interference.

They would probably be surprised to learn that what they take for granted in this regard, the exercise of what is called free will, is a hotly debated topic among learned men and women in fields of study as widely separated as physics, philosophy and theology.

For instance, many physicists are convinced that if one could know the position and momentum of all the atoms in the universe, one could accurately predict the future behavior of those atoms (including the ones that make up you and me). Of course, one cannot acquire that sort of total knowledge, but the proposition does call into question free will in principle.

Philosophers, in their turn, have debated whether free will is compatible with a natural world where cause and effect is the prevailing physical mechanism. And theologians have spent an equal amount of time trying to figure out how free will can coexist with their assumed omniscient and omnipotent God.

One doesn't have to have a graduate degree in physics, philosophy or theology to question the notions that people have a wide range of choices and the unfettered will to choose among them. A close consideration of our social and cultural milieu reveals strong deterministic influences – particularly the mass media and its engines of advertising and selective news dissemination.

How many individual daily decisions are determined by some degree of media manipulation? Well, for many they can include what we eat, what we wear, how we entertain ourselves, how we groom ourselves, even whether we feel safe or unsafe (and buy or don't buy that burglar alarm).

Those who use the media to try to sway our behavior declare that they are simply providing information that allows informed choices or, as one pro-advertising web site says, "advertising ensures that we don't have to settle for second

best. It helps us exercise our right to choose.”

However, this is problematic. Advertisers seek to restrict choice, not broaden it and ultimately they want to determine the choice for you. So, generally, what you see as a range of choices is really limited options within a predetermined context – the context of the marketplace. And your freedom of choice? Your choice may well be made on the basis of which product sponsor is most effective in manipulating your perceptions.

This is media determinism in action and it has proven very successful. U.S. businesses spend some \$70 billion a year on TV advertising alone. And, as one ad executive comments, “companies would not invest [that much money] in something they thought didn’t work.”

This is discouraging news for those who believe in the everyday consumer’s freedom of choice, though indeed this sort of media persuasion leads to death and destruction only occasionally (think anorexia). There are, however, other categories of our lives where media determinism is much more likely to lead us right off the proverbial cliff, i.e., in politics and issues of war or peace.

Media Determinism: Political

Given the ubiquitous presence of the media and its influence, the use of persuasive advertising has long since found its way into the realms of politics and policy promotion. Once again, the object is to limit choices, in this case by shutting down debate that is outside an acceptable frame, and thereby sweep you along with enthusiasm or resignation to adopt one of the allowed choices.

You would think that when it comes to choosing political leaders and deciding between war or peace, the public would deserve information approaching objectivity. This is exactly what they never get.

For instance, political campaign promises and party platforms are almost never scrutinized by the media, nor does the media point out that they are only rarely translated into post-election blueprints for action. Instead the media present manipulated information, mostly in the form of expensive campaign ads, as data upon which to base voter choices.

Millions are swayed by these ads and millions more, recognizing the vacuous quality of the undertaking, opt out of the political process altogether. The former play inside a manipulated game with severely limited choices; often the latter unhappily acquiesce to the prevailing system because challenging it seems pointless. Yet such is the power of the myth of democracy that the process rolls on while the charade is glorified in the media and no one seems able to change it.

In times of emergency the practice of media determinism gets worse. What little critical inclination might exist among journalists is suppressed in the name of national unity. The press rallies around a government position or storyline. This can be seen in the follow-up to the 9/11 attacks in 2001. An investigation as to why these attacks were carried out was suppressed, i.e., what U.S. policies in the Middle East prompted al-Qaeda's suicide hijackers to fly planes into buildings.

Thus, any possibility for the public to examine the ongoing U.S. foreign policy in the Middle East was also shut down. The official line was that such critiques were attempts to blame the victim. In the same way, any option for the prevention of future attacks was limited to a military one rather than seriously considering diplomatic or policy change alternatives. President George W. Bush's approval rating at this time had reached 90 percent.

The alliance between government and media can be seen in what soon followed. President Bush's determination to attack Iraq, a country that had nothing to do with 9/11, led to an orchestrated campaign of misinformation. In March 2003, as the invasion took place, polls showed that between 72 percent and 76 percent of Americans supported the President's war.

In doing so, did they exercise free choice? Most of them would probably have told you that they did. Yet a strong argument can be made that because of the misinformation given them in the run-up to the war – for instance, misinformation about the Iraqi people's desire to be rescued from Saddam Hussein and the notorious issue of weapons of mass destruction – they were in fact victims of media determinism.

It turns out, however, that it is difficult for the media to sustain a campaign of misinformation in the face of gross contradiction. Thus, when U.S. troops were not welcomed with flowers as they invaded Iraq, and the weapons of mass destruction were nowhere to be found, the administration's approval ratings took a dive. But by the time the events revealed the misleading nature of government-media information, the damage had been done.

Despite having been shown to be misleading, the role and style of media news presentation has not changed much. Today, external issues vital to the nation's future – such as the dangerous alliance with Israel, deadly drone campaigns, the catastrophic potential of global warming and the deteriorating relations with Russia, as well as internal ones, such as the need for more aggressive economic regulatory enforcement, the expansion of health care reform and increased taxation of the wealthy – are little discussed in the media or, when mentioned, come to us in suspiciously biased form.

Truly, objective information and fair-minded analysis are hard to come by and the encouragement of meaningful debate about substantive topics is absent from the major media.

So what is real, free choice and what is media determinism? The picture sketched above suggests that the former is significantly limited by the latter. This appears to be the case when it comes to mundane things as well as matters of life or death.

How many of us understand this to be the case? It has to be very few, for if very many realized the situation, they would surely demand that the media break its alliance with the powerful. Without honest information, there can be no meaningful pathway to free choices.

Lawrence Davidson is a history professor at West Chester University in Pennsylvania. He is the author of *Foreign Policy Inc.: Privatizing America's National Interest*; *America's Palestine: Popular and Official Perceptions from Balfour to Israeli Statehood*; and *Islamic Fundamentalism*.

What's the Next Step to Stop Torture?

Exclusive: The grim details about the CIA's torture techniques from waterboarding to "rectal rehydration" have overwhelmed the final defenses of the torture apologists. Now the question is what to do with this evidence and how to make sure this behavior doesn't happen again, says ex-CIA analyst Ray McGovern.

By Ray McGovern

"I want you to listen to me," said George Tenet lunging forward from his chair, his index finger outstretched and pointed menacingly at CBS' Scott Pelley, "We don't torture people; we don't torture people; we don't torture people; we don't torture people; we don't torture people!"

Appearing on "60 Minutes" on April 29, 2007, to hawk his memoir *At the Center of the Storm*, former CIA Director Tenet was imperiously definitive on the issue of CIA and torture. Could he have thought that repeating his denial five times, with the appropriate theatrics, would compel credulity? Is this the kind of assertion over reality that worked at CIA Headquarters during his disastrous tenure?

The frequently pliant Pelley seemed unmoved this time since the basic facts about the CIA's waterboarding and other torture of "war on terror" detainees

were well known by then. You would have had to be deaf and dumb to be unaware that Tenet had eagerly embraced the role of overseer in the Bush/Cheney “dark side” torture centers after 9/11.

In the memoir a kind of *apologia sans apology* Tenet was less self-confident and pugnacious than on “60 Minutes.” While emphasizing the importance of detaining and interrogating al-Qaeda operatives around the world, he betrayed some worry that the chickens might some day come home to roost. Enter the feathered fowl this week with the release of the Senate report on CIA torture and all the mind-numbing details about lengthy sleep deprivations, painful stress positions, waterboarding and “rectal rehydration.”

One remaining question now is whether egg on Tenet’s face will be allowed to suffice as his only punishment, or whether he and his deputy-in-crime John McLaughlin will end up in prison where they, George W. Bush, Dick Cheney and several other senior officials properly belong.

The usual suspects are already crying foul over an extraordinarily professional investigation by Senate Intelligence Committee staffers and committee chair, Dianne Feinstein, who refused to chicken out and abandon her investigators despite political pressure to do so.

Possibly dreading this day, Tenet wrote in his memoir: “We raised the importance of being able to detain unilaterally al-Qa’ida operatives around the world. ... We were going to pursue al-Qa’ida terrorists in ninety-two countries. ... With the right authorities, policy determination, and great officers, we were confident we could get it done. ...

“Sure, it was a risky proposition when you looked at it from a policy maker’s point of view. We were asking for and we would be given as many authorities as CIA ever had. Things could blow up. People, me among them, could end up spending some of the worst days of our lives justifying before congressional overseers our new freedom to act.” (*At the Center of the Storm*, p. 177-178.)

Note, however, that Tenet didn’t anticipate “spending some of the worst days of our lives” in a federal prison.

Now Squirming

Former CIA leaders are now squirming. And while they still enjoy the dubious services of a gruff and aging PR specialist named Dick Cheney, cries are again mounting that the lot of them, together with other former senior officials, be finally held to account in some palpable way.

Many will recall that Cheney champion of the “dark side” techniques was the

first senior official to express public approval for waterboarding. On Oct. 24, 2006, he was asked by a friendly interviewer, "Would you agree a dunk in water is a no-brainer if it can save lives?"

"It's a no brainer for me," answered Cheney, "but for a while there I was criticized as being the Vice President for Torture. We don't torture. That's not what we're involved in."

Cheney followed up in January 2009, telling AP that he had no qualms about the reliability of intelligence obtained through waterboarding: "It's been used with great discrimination by people who know what they're doing and has produced a lot of valuable information and intelligence," he said.

Thus, it was very much in character for Cheney, on Monday, to protest press reports about torture being a "rogue operation" by the CIA, calling that "all a bunch of hooey" and saying: "The program was authorized. The agency did not want to proceed without authorization, and it was also reviewed legally by the Justice Department before they undertook the program."

Yet, the trouble with Cheney's defense is that one can no more "authorize" torture than rape or slavery. Torture inhabits that same moral category, which ethicists label intrinsic evil, always wrong whether it "works" or not.

In other words, torture is not wrong because there are U.S. laws and a UN Convention prohibiting it. It's the other way around. The legal prohibitions were put in place because it is or used to be, at least widely recognized that humans simply must not do such things to other humans. For instance, after World War II, Japanese commanders were tried for war crimes because they used waterboarding on captured U.S. soldiers.

Sadly though, virtually all of the public discussion on torture focuses on its possible efficacy, even though all but the most sadistic of people have long recognized that torture would be wrong even if it "works" and it often doesn't "work" because it induces those being tortured to fabricate answers that they think the torturers want to hear.

The Senate report is simply the latest study showing torture does not produce reliable information. It is, after all, common sense. One need only be aware that almost anyone will say anything true or false to stop being tortured.

It would, I think, be difficult to come up with anyone more authoritative on this issue than Gen. John Kimmons, the head of Army intelligence in 2006, whose long career dealt largely with interrogation. After the cat was out of the bag on CIA torture and the Bush administration's wordsmiths were working on innocent-sounding euphemisms such as an "alternative set of procedures" or

“enhanced interrogation techniques” Kimmons seized the “bull” by the horns by arranging his own press conference.

Sounding the death knell for utilitarian arguments, Kimmons warned: “No good intelligence is going to come from abusive practices. I think history tells us that. I think the empirical evidence of the last five years, hard years, tells us that.”

Then Why Torture?

Kimmons stated definitively that abusive techniques do not yield “good intelligence.” But if it’s bad intelligence you’re after, torture works like a charm. If, for example, you wish to “prove,” post 9/11, that “evil dictator” Saddam Hussein was in league with al-Qaeda and might arm the terrorists with WMD, bring on the torturers.

It is a highly cynical and extremely sad story, but many Bush administration policymakers wanted to invade Iraq before 9/11 and thus were determined to connect Saddam Hussein to those attacks. The PR push began in September 2002 or as Bush’s chief of staff Andrew Card put it, “From a marketing point of view, you don’t introduce new products in August.”

By March 2003 after months of relentless “marketing” almost 70 percent of Americans had been persuaded that Saddam Hussein was involved in some way with the attacks of 9/11.

The case of Ibn al-Sheikh al-Libi, a low-level al-Qaeda operative, is illustrative of how this process worked. Born in Libya in 1963, al-Libi ran an al-Qaeda training camp in Afghanistan from 1995 to 2000. He was detained in Pakistan on Nov. 11, 2001, and then sent to a U.S. detention facility in Kandahar, Afghanistan. He was deemed a prize catch, since it was thought he would know of any Iraqi training of al-Qaeda.

The CIA successfully fought off the FBI for first rights to interrogate al-Libi. FBI’s Dan Coleman, who “lost” al-Libi to the CIA (at whose orders, I wonder?), said, “Administration officials were always pushing us to come up with links” between Iraq and al-Qaeda.

CIA interrogators elicited some “cooperation” from al-Libi through a combination of rough treatment and threats that he would be turned over to Egyptian intelligence with even greater experience in the torture business.

By June 2002, al-Libi had told the CIA that Iraq had “provided” unspecified chemical and biological weapons training for two al-Qaeda operatives, an allegation that soon found its way into other U.S. intelligence reports. Al-

Libi's treatment improved as he expanded on his tales about collaboration between al-Qaeda and Iraq, adding that three al-Qaeda operatives had gone to Iraq "to learn about nuclear weapons."

Al-Libi's claim was well received at the White House even though the Defense Intelligence Agency was suspicious.

"He lacks specific details" about the supposed training, the DIA observed. "It is possible he does not know any further details; it is more likely this individual is intentionally misleading the debriefers. Ibn al-Shaykh has been undergoing debriefs for several weeks and may be describing scenarios to the debriefers that he knows will retain their interest."

Meanwhile, at the Guantanamo Bay prison in Cuba, Maj. Paul Burney, a psychiatrist sent there in summer 2002, told the Senate, "A large part of the time we were focused on trying to establish a link between al-Qaeda and Iraq and we were not successful. The more frustrated people got in not being able to establish that link there was more and more pressure to resort to measures that might produce more immediate results."

Just What the Doctor Ordered

President Bush relied on al-Libi's false Iraq allegation for a major speech in Cincinnati on Oct. 7, 2002, just a few days before Congress voted on the Iraq War resolution. Bush declared, "We've learned that Iraq has trained al-Qaeda members in bomb making and poisons and deadly gases."

And Colin Powell relied on it for his famous speech to the United Nations on Feb. 5, 2003, declaring: "I can trace the story of a senior terrorist operative telling how Iraq provided training in these [chemical and biological] weapons to al-Qaeda. Fortunately, this operative is now detained, and he has told his story."

Al-Libi's "evidence" helped Powell as he sought support for what he ended up calling a "sinister nexus" between Iraq and al-Qaeda, in the general effort to justify invading Iraq.

For a while, al-Libi was practically the poster boy for the success of the Cheney/Bush torture regime; that is, until he publicly recanted and explained that he only told his interrogators what he thought would stop the torture.

You see, despite his cooperation, al-Libi was still shipped to Egypt where he underwent more abuse, according to a declassified CIA cable from early 2004 when al-Libi recanted his earlier statements. The cable reported that al-Libi said Egyptian interrogators wanted information about al-Qaeda's connections with

Iraq, a subject “about which [al-Libi] said he knew nothing and had difficulty even coming up with a story.”

According to the CIA cable, al-Libi said his interrogators did not like his responses and “placed him in a small box” for about 17 hours. After he was let out of the box, al-Libi was given a last chance to “tell the truth.” When his answers still did not satisfy, al-Libi says he “was knocked over with an arm thrust across his chest and fell on his back” and then was “punched for 15 minutes.”

After Al-Libi recanted, the CIA recalled all intelligence reports based on his statements, a fact recorded in a footnote to the report issued by the 9/11 Commission. By then, however, the Bush administration had gotten its way regarding the invasion of Iraq and the disastrous U.S. occupation was well underway.

In *At the Center of the Storm*, Tenet sought to defend the CIA’s use of al-Libi’s claims in the run-up to the Iraq war, suggesting that al-Libi’s later recantation may not have been genuine.

“He clearly lied,” Tenet writes in his book. “We just don’t know when. Did he lie when he first said that Al Qaeda members received training in Iraq or did he lie when he said they did not? In my mind, either case might still be true.”

Really, that’s what Tenet writes despite the fact that intensive investigations into these allegations after the U.S. military had conquered Iraq failed to turn up any credible evidence to corroborate these allegations. What we do know is that Saddam Hussein and Osama bin Laden were bitter enemies, with al-Qaeda considering the secular Hussein an apostate to Islam.

Al-Libi, who ended up in prison in Libya, reportedly committed suicide shortly after he was discovered there by a human rights organization. Thus, the world never got to hear his own account of the torture that he experienced and the story that he presented and then recanted.

Hafed al-Ghwell, a Libyan-American and a prominent critic of Muammar Gaddafi’s regime at the time of al-Libi’s death, explained to Newsweek, “This idea of committing suicide in your prison cell is an old story in Libya.”

He added that, throughout Gaddafi’s 40-year rule, there had been several instances in which political prisoners were reported to have committed suicide, but that “then the families get the bodies back and discover the prisoners had been shot in the back or tortured to death.”

As Sen. Lindsey Graham, R-South Carolina, once put it during a Senate hearing on

torture, with an apparently unintentional hat-tip to the Inquisition, “One of the reasons these techniques have been used for about 500 years is that they work.” Well, they work if what you want is a false confirmation of your false assumption.

The question now is what does the United States do next.

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Obama and the Truth Agenda

Exclusive: The euphemism, “enhanced interrogations,” is finally fading amid truth-telling that President George W. Bush authorized – and the CIA engaged in – torture of “war on terror” detainees. The lack of a backlash to the stomach-turning new details also suggests that Americans are ready for a truth agenda, writes Robert Parry.

By Robert Parry

Before last month’s elections, the Democrats thought it would be smart to avoid policy debates. So, they delayed action on immigration, kept President Barack Obama away from many races, and withheld the Senate’s report on CIA torture while following a “legacy” strategy of nominating Senate candidates with famous family names. The Democrats got clobbered and all their “legacy” candidates went down to defeat.

It turns out that this sort of strategy is not just anti-democratic by hiding the issues so the people don’t get a chance to weigh in before an election but it’s bad politics, too. Since then, the Democrats have moved forward with a different approach, with President Obama enunciating a somewhat more humane immigration policy and finally allowing release of the executive summary of the torture report.

And, surprise, surprise, the sky hasn’t fallen. Yes, some Republicans have grumbled about Obama abusing his executive powers over immigration, and some torture-implicated CIA officials and a few far rightists continued quibbling that the torture wasn’t really torture. But the backlash has been surprisingly mild. Generally speaking, the American people especially seem okay with the

release of the Senate Intelligence Committee's torture report.

Even the Washington Post's neocon editorial page praised the long-delayed disclosures. After citing the horrifying examples of near drownings, painful stress positions, sleep deprivations and "rectal feeding," the Post concluded: "This is not how Americans should behave. Ever."

So, what's the lesson here? It may be that the American people or at least many of them are ready for some truth-telling, whether it's about how black and brown people are treated in this country or about abuses committed by the government that should be confronted and corrected.

Maybe, these Americans are sick and tired of being treated like children or idiots and perhaps the new "smart" political play, as well as the right pro-democracy move, is to start respecting the people by giving them facts, not just pabulum and propaganda.

So, President Obama might consider following up his new immigration policy and the recent protests against the police killings of Michael Brown and Eric Garner with a new commission on race in America (like the 1960s Kerner Commission which warned that "Our nation is moving toward two societies, one black, one white separate and unequal").

And he might continue reinvigorating American democracy by sharing more facts with the American people. From the same era that brought us CIA "black sites," it would be a no-brainer for Obama to release the hidden pages of the 9/11 report on Saudi funding of the hijackers.

As Saudi Arabia today pushes the United States to engage in a "regime change" in Syria a move that could lead to a victory by al-Qaeda's Nusra Front affiliate or the Islamic State the American people might want to know exactly which side the Saudi "allies" are on.

Obama also shouldn't stop at just releasing unnecessary secrets from George W. Bush's administration. He should update the American people on controversies in which his own administration rushed to judgments regarding issues related to war or peace.

The Sarin Mystery

On Syria, for instance, the Saudis (along with Turkey and Israel) almost fulfilled their dream of getting the U.S. military to destroy President Bashar al-Assad's defenses after Secretary of State John Kerry and other U.S. officials and media jumped to the conclusion that Assad was at fault for a sarin gas attack outside Damascus on Aug. 21, 2013.

Though the furor over that incident brought the United States to the brink of another Mideast war, many of the supposed “facts” cited by Kerry and the others have crumbled under closer scrutiny, such as the belief that a barrage of rockets carried the sarin from a Syrian military base when a subsequent United Nations investigation discovered only one sarin-laden rocket. Rocket experts also concluded that its very limited range traced more likely to rebel-held territory.

In other words, the sarin attack may well have been a rebel provocation meant to draw the U.S. military into the Syrian civil war on the side of the rebels whose most effective fighters are connected to either al-Qaeda or the even more extreme Islamic State. [See Consortiumnews.com’s “Was Turkey Behind Syria-Sarin Attack?”]

More than a year later, U.S. intelligence analysts have a much more comprehensive take on what actually happened, and President Obama could declassify that information even if it embarrasses Secretary Kerry and other high-ranking members of the administration. If the Assad regime was falsely accused, there is also a fairness imperative to correct the record regardless of what you think about Assad.

Similarly, U.S. intelligence analysts have amassed substantial data on another crucial event, one that has ratcheted up war tensions in Eastern Europe, the July 17 shoot-down of Malaysia Airlines Flight 17 over Ukraine. Kerry and others rushed to blame the ethnic Russian rebels in eastern Ukraine and Russian President Vladimir Putin, who supposedly gave the rebels the sophisticated surface-to-air missiles capable of bringing down a plane at 33,000 feet.

The stampede of anti-Russian outrage was so strong that the European Union agreed to U.S. demands for economic sanctions against Moscow, touching off a trade war that has made life harder for people in both Russia and Europe. The shoot-down also gave impetus to the Kiev regime’s “anti-terrorist operation” in eastern Ukraine, dispatching neo-Nazi and other paramilitary militias who have spearheaded the killing of thousands of ethnic Russians.

But I’m told that some U.S. intelligence analysts now view the MH-17 incident much differently from the first few days, with the possibility that the shoot-down may have been committed by a rogue element of the Ukrainian military, possibly trying to bring down a Russian plane and mistakenly destroying the Malaysian airliner which had similar markings.

Whatever the current thinking about who was to blame, clearly U.S. intelligence has much more data today than was available in July when Kerry went on all five Sunday shows pointing the finger at Russia and was joined in his hasty

conclusion by virtually the entire U.S. mainstream media.

Obama owes it to the American people and to the families of the 298 dead to release all available U.S. evidence regarding the guilty parties even if that again embarrasses his Secretary of State.

The Tonkin Precedent

Kerry himself should want the full story told regarding both the Syrian sarin case and the Malaysia plane shoot-down, since as a young man he was drawn into the Vietnam War based on false reporting about the Gulf of Tonkin incident in 1964. A suspected clash between North Vietnamese forces and a U.S. destroyer became the basis for the Gulf of Tonkin Resolution which provided the legal authorization for the Vietnam War.

In the Gulf of Tonkin case, senior officials of Lyndon Johnson's administration soon realized that the attack probably never happened. But that reality was kept hidden from the American people for years as the slaughter went on, with 58,000 Americans and millions of Vietnamese dying. If the factual correction had been made in a timely manner, many of those dead, including servicemen who served with Lt. John Kerry, might have been saved.

However, Kerry, now 70, has become like the older men who sent him and his comrades to fight in Vietnam, more concerned about reputation and pride inside Official Washington than about the blood and suffering of the people affected by misdirected U.S. policies. [See Consortiumnews.com's "[What's the Matter with John Kerry?](#)"]

Today, Kerry's State Department appears to see both the conflicts in Syria and Ukraine as battlefields where U.S. "hard power" is limited so a decision has been made to use propaganda or "information warfare" as a "soft power" alternative.

Thus, exploiting these terrible tragedies hundreds dying from sarin exposure and 298 dying from a plane attack is viewed as a way to put the U.S. "adversaries" Assad and Putin, respectively on the defensive. In this propaganda world, truth is lost to expediency.

Further following the Tonkin Gulf analogy, the U.S. House of Representatives passed [a highly belligerent anti-Russian resolution](#) on Dec. 4, by a 411-10 margin. It cited as one justification for sending U.S. military equipment and trainers to Ukraine the supposed "fact" that "Malaysia Airlines Flight 17, a civilian airliner, was destroyed by a Russian-made missile provided by the Russian Federation to separatist forces in eastern Ukraine, resulting in the loss of 298 innocent lives."

But the case of MH-17 is far from resolved, although clearly President Obama has access to information about the incident that could either help confirm or refute the congressional assertion. Yet, he continues to hide that knowledge from the American people as the United States and Russia inch toward a possible nuclear confrontation over Ukraine.

So, it may be time for Obama to embrace a “truth agenda.” After all, facts have a special place in a democracy, which is dependent on an informed electorate to function, and information should be withheld from the public only in extraordinary circumstances.

However, after the early days of his administration, when Obama did release some important documents relating to the legal opinions that justified Bush’s torture policies, the President lost his way regarding respect for the people’s right to know.

Obama became immersed in the gamesmanship of Official Washington where control of information is regarded as a measure of one’s power. But that allowed the Tea Party and others on the Right to present themselves as “populists” who were standing up against the elites, even though many Republicans were more wedded to secrecy than Obama was.

Now, however, Obama is seeing amid the positive reaction to the release of the torture report that many Americans are hungry for facts. They, too, understand that information is power and sense that the political leader who trusts them with that power is the one most on their side.

Investigative reporter Robert Parry broke many of the Iran-Contra stories for The Associated Press and Newsweek in the 1980s. You can buy his latest book, *America’s Stolen Narrative*, either in [print here](#) or as an e-book (from [Amazon](#) and [barnesandnoble.com](#)). For a limited time, you also can order Robert Parry’s trilogy on the Bush Family and its connections to various right-wing operatives for only \$34. The trilogy includes *America’s Stolen Narrative*. For details on this offer, [click here](#).
