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On Torture, U.S. Forfeits Moral Ground

Jay Bookman (Op-Ed)
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Critics of the United Nations used to revel in its hypocrisy for allowing countries such as Libya to chair the U.N. Human Rights Commission, as it did in 2003. As the U.S. State Department pointed out at the time, Libyan officials "torture prisoners during interrogations and as punishment. . . . [They] arbitrarily arrest and detain persons, and many prisoners are held incommunicado. Many political detainees are held for years without charge."

Today, though, the United States has forfeited the moral standing to make such charges. The evidence is overwhelming that American officials, like Libyan officials, have tortured prisoners during interrogations. They have done so not in isolated cases by rogue units or individuals, but as part of a conscious policy applied broadly and endorsed at the highest levels of government.

Like Libya and other rogue countries, we too have arbitrarily arrested and detained people, and even now hold hundreds incommunicado in Guantanamo Bay, Cuba, and elsewhere without charges or access to the outside world.

Apologists for U.S. behavior will no doubt argue that if we have tortured, we have had our reasons. They would cite terror attacks and other dangers. But the Libyans too have had their reasons, as have the Chinese, the Cubans, the Sudanese and others we used to preach to from our place in the pulpit.

In fact, mankind has never had a problem finding ways to justify torture and other violations of human rights. That's why the bans against torture written into both American law and international treaty allow no exceptions.

Those laws were not designed to apply only in normal times, because in normal times no such laws are needed. They were enacted in the hope that clear and explicit legal bans, along with public commitments of national honor, would steel us against the temptation to compromise our standards when times of crisis came.

Tragically, it has not worked, and we have become what we are trying to defeat.

The evidence ranges from eyewitness reports to documents pried out of government hands by court orders or leaked to the press. The incidents come out of Iraq and Afghanistan and Guantanamo Bay; they involve Army units, Navy units, the CIA. They involve beatings and torture that end in death, as well as the kidnapping of sometimes innocent citizens of other countries and shipment to third countries to be tortured and interrogated under horrific conditions.

Most recently, the U.S. Army has admitted that more than 30 prisoners were victims of homicide or suspected homicide by U.S. hands, a confession extracted only under federal court order.

Nonetheless, the Bush administration insists that such a record does not demonstrate a failure of leadership or an overall atmosphere of tolerance toward violence against those in U.S. custody. That failure to accept responsibility at the upper levels has left underlings to bear the entire burden.

So Staff Sgt. Ivan Frederick III is serving eight years for abuse of prisoners at Abu Ghraib. But Alberto Gonzales, who as White House counsel wrote a memo dismissing the Geneva

Conventions protecting prisoners as "quaint" and "obsolete," has been promoted to attorney general of the United States.

Pfc. Willie Brand, an Army reservist, faces charges of involuntary manslaughter because an Afghani prisoner he beat later died. Not so for Jay Bybee, who as a Justice Department lawyer claimed that for physical pain to be considered illegal torture, "it must be of an intensity akin to that which accompanies serious physical injury such as death or organ failure." He now sits on the U.S. Court of Appeals.

And Lt. Gen. Ricardo Sanchez, then the commanding officer of all U.S. forces in Iraq, denied under oath to the Senate Armed Services Committee that he had approved harsh interrogation techniques, such as the use of dogs to terrorize inmates. This week, the American Civil Liberties Union released a memo signed by Sanchez in which he explicitly approved such techniques. ("Exploits Arab fear of dogs," he writes.)

Meanwhile, Sgt. Javal Davis is serving six months in prison, in part for lying to investigators about his role at Abu Ghraib.