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The American Way of Torture

The Rule of Law Went and Never Returned

by ALEXANDER COCKBURN and JEFFREY ST. CLAIR

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Torture is now solidly installed in America's repressive arsenal, not in the shadows where it has always lurked, but up front and central, vigorously applauded by prominent politicians. Rituals of coercion and humiliation seep through the culture, to the extent that before Christmas American travelers began to rebel at the invasive pat-down searches, conducted by the TSA's airport security teams, groping around bosoms and crotches.

Covertly, there was always plenty of torture, just as there were assassinations, high and low. After World War Two the CIA's predecessor, OSS, imported Nazi experts in interrogation techniques. But this was the era of Cold War competition: Uncle Sam the Good against the dirty Russians and Chinese. The US government would go to desperate lengths to counter accusations that its agents in the CIA or USAID practiced torture.

One famous case was that of Dan Mitrione, working for the US Agency for International Development, teaching refinements in torture techniques to Brazilian and Uruguayan interrogators. Mitrione was ultimately kidnapped by the Tupamaro guerillas and executed, becoming the subject of Costa Gavras' movie State of Siege. The CIA mounted major cover-up

operations to try to discredit the accusations against Mitrione, quoted as having said to his students: “The precise pain, in the precise place, in the precise amount, for the desired effect.”

The American liberal conscience began to make its accommodation with torture in June, 1977, which was the month the London Sunday Times published a major expose of torture of Palestinians by the Israeli armed forces and the security agency, Shin Bet. Suddenly American supporters of Israel were arguing that certain techniques—sensory deprivation, prolonged stress positions while hooded, incarceration in “cells” the size of packing crates, etc—somehow weren’t really torture, or were morally justifiable torture under “ticking time bomb” theory.

Ahead lay the repellent spectacle of Professor Alan Dershowitz of Harvard Law School, and a supposed liberal defender of civil rights, recommending to Israel the notion of “torture warrants”, with the targets of the warrants being “subjected to judicially monitored physical measures designed to cause excruciating pain without leaving any lasting damage.’ One form of torture recommended by the Harvard professor was “the sterilized needle being shoved under the fingernails.”

With the Great War on Terror, launched after the World Trade Center attacks of 9/11/2001, torture made its march into the full light of day.

One hands-on executive in this itinerary was George Bush’s secretary of defense, Donald Rumsfeld, as Andrew Cockburn described here in 2007. At Guantanamo, it was Rumsfeld who gave verbal and subsequently written approval to torture suspects, using the notorious techniques of isolation, sleep deprivation and psychic degradation, with Rumsfeld micromanaging the humiliations. (For one prisoner’s horrifying torments in Guantanamo, read Richard Neville’s account of David Hicks’ book, Guantanamo, My Journey.)

In the case of Abu Ghraib in Iraq, there is again a trail of evidence showing it was Rumsfeld who personally decreed and monitored stress positions, individual phobias, such as fear of dogs, sleep deprivation, and waterboarding. One US army officer, Janis Karpinski, described finding in Abu Ghraib a piece of paper stuck on a pole outside a little office used by the interrogators.

It was a memorandum signed by Rumsfeld, authorizing techniques such as use of dogs, stress positions, starvation. On the paper, in Rumsfeld’s handwriting, was the terse instruction, “Make sure this happens!!”

James Bovard wrote in *CounterPunch* that “Perhaps Bush’s most important legacy is his embrace of torture:”

“In a June 2010 speech in Grand Rapids, Michigan, he declared, ‘Yeah, we water-boarded Khalid Sheikh Mohammed. I’d do it again to save lives.’ There is no independent evidence that Bush-era torture saved any American lives.

“The fact that a former president can stand up in public and admit that he ordered torture is a sea change for the American republic. (While he was president, Bush consistently denied that the

U.S. government engaged in torture.) In reality, the Bush administration's torture policies were simply the most vivid example of its belief that the president was entitled to do as he pleases. Assistant Attorney General Steven Bradbury declared in 2006, "Under the law of war, the president is always right."

On the home front torture as a drastic mode of social control flowered luxuriantly in the America's prison system, whose population began to rocket up in the 1970s to its present 2.5 million total. Sanctioned male rape goes hand in hand with increasingly sadistic solitary confinement with prolonged sensory deprivation—a condition in which some 25,000 prisoners are currently being driven mad.

As the Bush years drew to a close liberals dared hope that the rule of law would return and with it respect for internationally agreed prohibitions on torture and treatment of combatants. Anticipation grew that the torturers, with the Bush high command at the apex, would face formal charges. Candidate Obama sedulously fanned that hope.

The moment of opportunity arrived on January 20, the day Obama was sworn in as president and declared that "As for our common defense, we reject as false the choice between our safety and our ideals," he said. He added that the United States is "ready to lead once more."

On January 21, 1977, on his first day in office President Jimmy Carter fulfilled his campaign pledge issuing a pardon to those who avoided serving in the Vietnam war by fleeing the U.S. or not registering. If he'd waited a month or two, the honeymoon was already turning tepid and he might well have lost his nerve.

In his second full day in office, President Obama signed a series of executive orders to close the Guantanamo detention center within a year, ban the harshest interrogation methods and review military war crimes trials.

In his first state of the Union address, a week later Obama declared to the joint session of Congress that "I can stand here tonight and say without exception or equivocation that the United States of America does not torture. We can make that commitment here tonight." Within days of this guarantee, Obama's Justice Department lawyers were telling U.S. judges in explicit terms that the new administration would not be moving on from Bush's policies on the legal status of renditions and of supposed enemy combatants.

These lawyers from Obama's Department of Justice emphasized to judges that they, like DoJ lawyers instructed by Bush's lawyers, held that captives seized by the US government and conveyed to secret prisons to be tortured, had no standing in US courts and the Obama regime has no legal obligations to defend or even admit its actions in any US courtroom. "Enemy combatants" would not be afforded international legal protections, whether on the field of battle in Afghanistan or, if kidnapped by US personnel, anywhere in the world.

The torture system is flourishing and the boundaries of the American empire are demarcated by overseas torture centers.

