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Torture in a Dick Cheney Minute

BY AMY DAVIDSON

12/14/2014



What, exactly, has President Barack Obama done to make sure that future Presidents don't torture prisoners? On "Meet the Press" on Sunday, Dick Cheney, the former Vice-President, made it clear that he, for one, given the chance, would seize waterboarding paraphernalia, and get to it. "I'd do it again in a minute," he told the host Chuck Todd. John Brennan, the director of the Central Intelligence Agency, made it just as clear, in a news conference on Thursday, that the C.I.A. would not stand in the way of future White Houses: "I defer to the policymakers in future times when there is going to be the need to make sure this country stays safe if we face a similar type of crisis." Neither man would call what the C.I.A. did torture. Each, in his own way, suggested that American torturers have not faced a reckoning so much as a lull in their business.

Cheney's "do it again in a minute" line came, remarkably, in response to Todd's question about the finding, in a Senate Select Committee on Intelligence report released last week, that twenty-six out of a hundred and nineteen known inmates in the C.I.A.'s secret prisons were wrongfully held. Todd mentioned a number of cases of outright mistaken identity—"They were released, no apologies, nothing"—and wondered what those people were owed. "Twenty-five per cent turned out to be innocent. ... Is that too high? You're O.K. with that margin of error?" Todd asked. Yes, Cheney was O.K. with that. "I have no problem as long as we achieve our objective," he said. A couple of minutes later, as if the exchange about mistaken detentions had not taken place, Cheney said of the prisoners, sweepingly and unequivocally, "They are unlawful combatants. They are terrorists." He spoke approvingly of the decision not to read them any Miranda rights.

When Todd asked what he'd consider torture, Cheney would only cite the September 11th attacks themselves. ("I've told you what meets the definition of torture. It's what nineteen guys armed with airline tickets and box cutters did to three thousand Americans on 9/11.") Calling anything else torture suggested a "moral equivalence" that he found offensive—as if he would have had to personally pilot a plane into a tower before he owned up to being a torturer. Todd again pressed him for a definition, but got opposite: anything "specifically authorized and O.K.'d" and "blessed by the Justice Department" was *not* torture. If the executive says you can do it, you aren't a torturer. (The key legal memos have since been withdrawn.) Todd, perhaps seeing an opening, asked about something that, as Cheney himself acknowledged, was not on the list of approved techniques—the shoving of a "lunch plate" of pureed "hummus, pasta, sauce, nuts, and raisins" into the rectum of a man named Majid Khan. Cheney: "I believe it was done for medical reasons."

The report found that there were no "medical reasons." But Cheney, having just argued that anything officially sanctioned could not be torture, then seems to say that anything *unsanctioned* couldn't be torture, either:

CHUCK TODD: But you acknowledge this was over and above...

DICK CHENEY: That was not something that was done as part of the interrogation program.

CHUCK TODD: But you won't call it torture?

DICK CHENEY: It wasn't torture in terms of it wasn't part of the program.

Basically, in Cheney's world, nothing Americans do can be called torture, because we are not Al Qaeda and we are not the Japanese in the Second World War (whom we prosecuted for waterboarding) and we are not ISIS. "The way we did it," as he said of waterboarding, was not torture. In other words, it was not really the Justice Department that "blessed," or rather transubstantiated, torture; it was our American-ness. Is there an argument that could degrade that American identity more?

It would be comforting to dismiss Cheney as a historical oddity, to picture him sitting in the dimly lit room of a motel, changing the pitch of his voice to pretend he wasn't alone. But he's got company, and it's dangerous. The way that many, including the present and former directors of the C.I.A., have responded to the Senate report has been shameless and

sordid. (There have been exceptions, as [Jane Mayer notes](#).) They have spent a lot of time complaining that the Agency hasn't been sufficiently praised. The word "torture" upsets them.

Those intelligence officials talk, too, about what they think they learned from torturing people, scrounging for something to put in the moral balance. (It's the wrong currency, and not exchangeable.) Brennan said that it was "unknowable" whether the same things could have been learned another way; what is knowable, based on the report, is that false information given to us by prisoners who were tortured was then used to justify the torture of *other* prisoners.

One rhetorical trick has been to say, as Brennan did last Thursday, that most of what was done was proper, apart from a few cases when interrogators went beyond what was authorized—"went outside of the bounds," as Brennan put it. He argued that what everyone else did "should neither be criticized nor conflated with the actions of the few who did not follow the guidance issued." A rational person, hearing stray, awful details in the press reports, might be reassured, assuming that "outside of the bounds" included shackling a person for extended periods in "stress positions" as he soils himself, slamming him against a wall, nearly drowning him, keeping him awake for days, or putting him in a cold cell, stripped of most of his clothes. (That last one happened to a prisoner who was held for reasons that are still not clear; he died of hypothermia.)* But those "techniques"—acts of torture—were part of the policy. Brennan is essentially just admonishing Americans not to "conflate" putting hummus in a person's rectum with locking him in a box the size of a coffin. ("Confinement boxes" were an approved measure.) Thirteen years after 9/11, there's surely more to think about. It's not enough to call the rule-breaking abhorrent, when the rules were abhorrent, too.

John Brennan works for Barack Obama. As [Jane Mayer writes in the magazine this week](#), the President, when it comes to torture, has preferred avoidance to accountability. Obama looks back in sorrow, and seems to think that everyone else does, too. But if this past week has proved anything, it's that the legacy of torture is not quiet repentance but impunity. This President has told his agents not to torture, and Brennan says he can work with that, while the C.I.A. waits for instructions from the next one.