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## The Road to Torture

It's All-American

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Christmas week is possibly a good time to reflect on what kind of nation we have become. Americans are much given to think of themselves as exceptional, so much so that “exceptionalism” as a national attribute has entered the political vocabulary. Americans also like to think of themselves as generous, fair minded to a fault, and willing to help foreigners who are less fortunate than they. Unfortunately, Americans can also be ignorant, bigoted, small minded and brutal. They tend to ignore the fact that every nation crafts itself around a national myth that incorporates its own unique virtues, believing instead that only the Uncle Sam version is for real. Isolated and protected by two broad oceans Americans frequently have difficulty in realizing that

virtues and vices are pretty much evenly distributed among most countries, including the United States.

Most Americans rightly love both family and country. The birth of the United States as a new nation incorporating moral principles in both its Declaration and Independence and Constitution gave it a unique quality which was subsequently copied worldwide. That was something to be proud of. The American way of doing things referred to as “ingenuity” and the freedom afforded both by custom and a resource rich environment has historically benefited most citizens, giving them a level of personal liberty and prosperity that for a long time could not be matched anywhere in the world.

But when we have had so much and have enjoyed such liberties why do we persist in ruining it? The Greeks would call it *hubris*. Most Americans would probably agree that when real enemies actually do threaten the citizen has a right to resist by force if necessary to preserve and protect. But where are the enemies that justify Congress spending nearly as much as the rest of the world combined on weapons and soldiers?

And loving and defending one’s country does not mean that Washington should be constantly going out looking for new dragons to slay, which has been the norm since 1945. Nor should every international crisis be politically hyped to make it appear to be morally equivalent to possible national annihilation. And no threat currently confronting the United States can possibly justify doing the unthinkable by engaging in abominable practices like torture.

Torture is not generally regarded as an American value unless one’s name is Dick Cheney but it is a symptom of a government that is largely out of control. The unindicted war criminals in the Bush Administration who established and managed the torture regime are products of a certain institutional mindset, which my good friend Major Todd Pierce **has described** as “authoritarian psychology.” Pierce cites how neocon guru Leo Strauss explained that believers in the concept appreciate that “Authority is the possibility of an agent acting upon others without these others reacting against him, despite being capable to do so, and without making any compromises. Any discussion is already a compromise.” It is a description of how a largely self-appointed cadre of elitists uses clever control of the narrative to create a sense of fear and uncertainty that permits the continuous shearing of the sheeple.

At the heart of the matter in its political manifestation there is the “unitary executive doctrine,” a **proposition** that the government chief executive’s authority is virtually unlimited, particularly in time of national emergency. Those who support the doctrine accept that declaring a national

emergency is itself conveniently the responsibility of the chief executive, meaning that he can *de facto* grant himself unrestricted authority. The doctrine was developed by jurists in Germany in the 1930s where it was described as the Führer Prinzip or leader principle in English. It essentially means that the government can do no wrong and cannot be held accountable precisely because it is the government. Those who cite the principle do so to override what might be referred to as constitutionalism, which limits the authority of the leader.

This anti-constitutional formulation whereby there are no controls over the leadership has long been hidden in the United States though the most recent Republican and Democratic administrations have allowed it to emerge to justify their unilateral decision making. The high levels of largely hidden political corruption and cronyism that go hand in hand with executive rule had been hitherto masked by a pervasive general belief in the national myth that the system for all its faults somehow serves “the people.”

But sometimes the mask falls off. The debate over torture ignited by the recent Senate report should be rightly seen as an indictment of a large part of the United States government. Recall for a moment that torture was not only carried out in black site prisons. It was also systemic in places like Abu Ghraib and at Bagram, which were run by the military. The Senators now making the accusation are to a certain extent scapegoating because they were themselves either complicit in the actions taken or willfully looking the other way. The White House knew what was occurring and gave its formal approval. Dick Cheney insists that if given the opportunity he would do it all over again.

One political party, the Republicans, has by-and-large disputed the substantial body of evidence that the United States government has engaged in torture, presumably because it occurred under a GOP administration. But it is clearly a practice that is a violation of both federal statutes and the United Nations Convention against Torture. The Convention was ratified by the US Senate in 1994 and is legally binding in the United States. The body of existing law condemning the practice means that no American president, White House lawyer or legislative body can declare torture to be “legal.”

Many leading Republicans promote **variations** on a statement issued by perennial presidential wannabe Mike Huckabee, the former Arkansas governor, labeling the report as “a highly partisan attack on the previous administration” which “puts Americans at grave risk as it fuels propaganda efforts of radical Islamic terror groups and sympathizers already trying to destroy our nation.”

So per Huckabee, a very outspokenly religious Christian, torture itself makes us safer while revealing the crime is both divisive and empowers one's enemies who are trying to destroy us. Have even "unconventional" Republicans including Rand Paul spoken out forcibly on what is a national disgrace? No, Rand **only commented** that "We should not have torture" while adding that the release of the report might be "inflammatory." And both parties plus the White House and judiciary have chosen to ignore the troublesome details contained in the UN Convention whereby signatories agree to automatically try and punish both those who order and carry out torture.

But politics and politicians aside as they are nearly all liars and knaves, the *coup de grace* comes from the American people themselves. A recent *Washington Post/NBC News* poll indicates that a clear majority of the public supports Dick Cheney and believe that it is acceptable to use torture on terrorist suspects. Among self-described Republicans the **approval rate** is over 70%. Why? Because it makes us safer, or so some would have us believe. So "We, the People" are part of the problem, possibly the biggest part, and it would perhaps not be inappropriate to suggest that the "safer" doctrine means that any new terrorist action directed against the United States will be met with more torture and no one will have the courage to say "enough." And it might not be out of line to suggest further that throwing away the rule book when it comes to staying safe might well also increasingly apply to domestic policing, which many have noted is become more militarized as the country accustoms itself to a national program of unending warfare both at home and abroad.

Why is this important? It is important because the United States is now regarded by most of the world as a hypocritical rogue regime where torture is allowed and then covered up. As the South Africans discovered, a Truth Commission or something like it is needed not necessarily to punish but to establish what exactly happened so everyone can reflect on the errors and move on. Read the summary of the Senate report if you have any doubts that the US government engaged in systematic torture. What took place was heinous, leading one to ask seriously whether Dick Cheney and the "leaders" like him were psychotic in the same way that Hitler, Stalin and Pol Pot had their own forms of madness. A nation built on a legal system that does not respect its own laws is no better than a dictatorship, particularly in the post-9/11 world where all the movement has been towards unconstitutional police-state authority placed in the hands of the executive branch and its various attached agencies. Over Christmas, Americans should contemplate just what we have become. It is not pretty but there is a way out and that consists of unqualified acceptance of the truth and an unshakable resolve that no such horrors shall ever occur again.