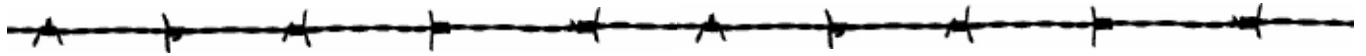




NO TORTURE. NO EXCEPTIONS.



THE ABOVE SKETCH BY THOMAS V. CURTIS, A FORMER RESERVE M.P. SERGEANT, IS OF AN AFGHAN DETAINEE, DILAWAR, WHO WAS TAKEN INTO U.S. CUSTODY ON DECEMBER 5, 2002, AND DIED FIVE DAYS LATER. DILAWAR WAS DEPRIVED OF SLEEP AND CHAINED TO THE CEILING OF HIS CELL—TECHNIQUES THAT THE BUSH ADMINISTRATION HAS REFUSED TO OUTLAW FOR USE BY THE CIA. FURTHER, HIS LEGS WERE, ACCORDING TO A CORONER, “PULPIFIED” BY REPEATED BLOWS. LATER EVIDENCE SHOWED THAT DILAWAR HAD NO CONNECTION TO THE ROCKET ATTACK FOR WHICH HE’D BEEN APPREHENDED.



Introduction

In most issues of the *Washington Monthly*, we favor articles that we hope will launch a debate. In this issue we seek to end one. The unifying message of the articles that follow is, simply, *Stop*. In the wake of September 11, the United States became a nation that practiced torture. Astonishingly—despite the repudiation of torture by experts and the revelations of Guantanamo and Abu Ghraib—we remain one. As we go to press, President George W. Bush stands poised to veto a measure that would end all use of torture by the United States. His move, we suspect, will provoke only limited outcry. What once was shocking is now ordinary.

On paper, the list of practices declared legal by the Department of Justice for use on detainees in Guantanamo Bay and other locations has a somewhat bloodless quality—sleep deprivation, stress positions, forced standing, sensory deprivation, nudity, extremes of heat or cold. But such bland terms mask great suffering. Sleep deprivation eventually leads to hallucinations and psychosis. (Menachem Begin, former prime minister of Israel, experienced sleep deprivation at the hands of the KGB and would later assert that “anyone who has experienced this desire [to sleep] knows that not even hunger and thirst are comparable with it.”) Stress positions entail ordeals such as being shackled by the wrists, suspended from the ceiling, with arms spread out and feet barely touching the ground. Forced standing, a technique often used in North Korean prisons, involves remaining erect and completely still, producing an excruciating combination of physical and psychological pain, as ankles swell, blisters erupt on the skin, and, in time, kidneys break down. Sensory deprivation—being deprived of sight, sound, and touch—can produce psychotic symptoms in as little as twenty-four hours. The agony of severe and prolonged exposure to temperature extremes and the humiliation of forced nudity speak for themselves.

Then there is waterboarding, a form of mock execution by drowning, a technique that has been used in so-called “black sites.” In addition to the physical pain and terror it induces,

long-term psychological effects also haunt patients—panic attacks, depression, and symptoms of post-traumatic-stress disorder. It has long been prosecuted as a crime of war. In our view, it still should be.

Ideally, the election in November would put an end to this debate, but we fear it won’t. John McCain, who for so long was one of the leading Republican opponents of the White House’s policy on torture, voted in February against making the CIA subject to the ban on “enhanced interrogation.” As for Hillary Clinton and Barack Obama, while both have come out strongly against torture, they seldom discuss the subject on the campaign trail. We fear that even a Democratic president might, under pressure from elements of the national security bureaucracy, carve out loopholes, possibly in secret, condoning some forms of torture.

Over the past decade, voters have had many legitimate worries: stagnant wages, corruption in Washington, terrorism, and a botched war in Iraq. But we believe that when Americans look back years from now, what will shame us most is that our country abandoned a bedrock principle of civilized nations: that torture is without exception wrong.

It is in the hopes of keeping the attention of the public, and that of our elected officials, on this subject that the writers of this collection of essays have put pen to paper. They include a former president, the speaker of the House, two former White House chiefs of staff, current and former senators, generals, admirals, intelligence officials, interrogators, and religious leaders. Some are Republicans, others are Democrats, and still others are neither. What they all agree on, however, is this: It was a profound moral and strategic mistake for the United States to abandon long-standing policies of humane treatment of enemy captives. We should return to the rule of law and cease all forms of torture, with no exceptions for any agency. And we should expect our presidential nominees to commit to this idea.

—*The Editors*

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BOB BARR

As a teenager, I loved to read comic books. *Superman* comics were my favorite. Among the many adversaries the Man of Steel faced (and always vanquished) was Bizarro World. In Bizarro World, everything was the opposite of that which prevailed in our world. Up was down, clean was dirty, black was white, good was bad ... you get the picture.

Events of the past few years remind me more and more of Bizarro World, except now it's not a comic-book world, it's the real world. The effect of witnessing a federal government operating according to Bizarro World standards instead of those enshrined in our Constitution and legal system is truly frightening.

In no instance is this scenario clearer than when the current administration has addressed the matter of whether its agents have, since September 11, 2001, tortured prisoners. The difficulty in resolving this controversy is immense, because administration officials won't even discuss "torture," preferring instead to talk about "enhanced interrogation tech-

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niques." Federal officials like the latter term because it is not defined in federal or international law ("enhanced interrogation" being essentially a made-up term), and therefore activities falling within its ambit are not—cannot be—illegal.

When forced to answer questions regarding torture, as in the recent debate surrounding the technique known as waterboarding, administration officials dismiss such discussions as improper talk of vital national security matters; denigrate and dismiss such discussions as "silly," as Vice President Dick Cheney did in a recent interview; or deflect criticism by adding a waffle word in front of the operative term and sliding away. The administration and its supporters rely on the unfortunate propensity of many journalists, members of Congress, and others to accept whatever explanation is proffered without probing beneath the surface.

Waterboarding as an interrogation technique has been employed for centuries as a tool with which to elicit information from prisoners. The fact that the technique often achieves the desired result—confessions—even as it leaves no obvious physical evidence accounts for much of its popularity by practitioners, from the time of the Spanish Inquisition to Nazi Germany. Waterboarding causes excruciating physical pain as the immobilized victim's lungs fill with water. At the same time, the process inflicts profound psychological pain by creating the very real impression in the victim's mind that he fac-

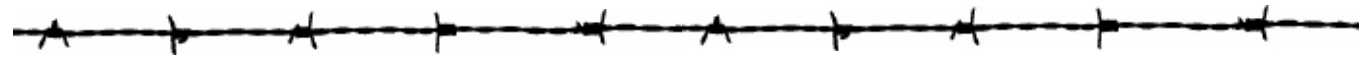
es imminent death by drowning. Waterboarding is, in essence, a torturer's best friend—easy, quick, and nonevidentiary. It had always been considered torture by civilized governments such as ours—until, of course, this administration.

The fundamental value of waterboarding to an interrogator lies in the pain it inflicts and the fear of death by drowning it engenders. Why else would it be used? However, in typical Bizarro World fashion, the Bush administration refuses to concede that the technique even exists as torture. Although experts (and common sense) tell us that if not stopped in time waterboarding will cause the death of a person subjected to it, the administration delights in referring to it as *simulated* drowning. The fact is, there is nothing "simulated" about the process of drowning by waterboarding; and there is nothing simulated about the pain it causes. Waterboarding is just drowning that stops short of death (unless, of course, a mistake is made during its infliction).

Vice President Cheney is certainly entitled to his opinion that even discussing waterboarding is "silly," but in the real world in which we live, and according to the norms of behavior according to which participants in a civilized society are supposed to operate, use of sophistry such as this would never be countenanced, and would certainly not hold up as a lawful defense in a court of law. Yet, even though the director of national intelligence, Michael McConnell, admitted recently that being subjected to waterboarding would to him be torture, like others in the administration he refuses to discuss the issue intelligently, and dismisses such questions as little things unworthy of his time.

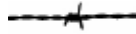
No less an upholder of the law than the attorney general of the United States, Michael Mukasey, sets almost as low a standard for the concept of the rule of law as do Messrs. Cheney and McConnell. For the attorney general, the answer to the question of whether waterboarding (and, by clear implication, other techniques inflicting pain as a tool with which to elicit information from a detainee) constitutes torture and would therefore be unlawful lies neither in clear definitions nor in definite standards. For Mukasey, it all depends on the "situation's circumstances." Mukasey refused to answer questions about waterboarding during his 2007 confirmation hearings, but has since determined that the CIA does not engage in the practice. And that, for the nation's top law enforcement officer, is the end of the matter. Everything beyond that is simply speculative and hypothetical.

This administration has gone beyond even the Bizarro World standard of declaring up to be down or left to be right. Not only is torture not torture, but there exists insufficient clarity even to know what *is* torture so we can determine whether an interrogation technique is torture or not. While the extreme sophistry and word gamesmanship practiced to a fine art by this administration might make a high school debating coach proud, it does great disservice to the notion that we exist in a society in which there are rules and norms of behavior with clarity and definitiveness and in which government agents as well as the citizenry



are held to standards of behavior. This is not something of which we as Americans should be proud, and the use of torture will come back to haunt us in ways this administration apparently either doesn't realize or simply doesn't care about.

Bob Barr is a former congressman from Georgia.



RAND BEERS

Proponents of torture or “enhanced interrogation” often argue that such techniques can yield critical information of the kind that could have prevented the attacks on the World Trade Center and the Pentagon on September 11, 2001. Critics, on the other hand, argue that information derived from torture is unreliable, and that it is impossible to know with any certainty whether the person being tortured actually possesses any useful information in the first place. In my view, this debate can be conclusively settled by examining the case of Ibn al-Shaykh al-Libi.

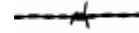
After 9/11, in an effort to gather information about Iraq's possible links with terrorism, the U.S. questioned al-Qaeda captives using “enhanced interrogation techniques” and transferred captives to foreign governments with known histories of torture. Al-Libi, an al-Qaeda operative, was interrogated by both the United States and Egypt, and—as was publicly reported—tortured by Egyptian authorities. During these sessions, he claimed that Iraq had trained members of al-Qaeda to use chemical and biological weapons.

Al-Libi's testimony was used by the Bush administration to substantiate its allegations that Iraq was prepared to provide al-Qaeda with weapons of mass destruction. Coupled with the claim that Iraq was on the verge of acquiring nuclear weapons, the administration stated that when Iraq possessed nuclear capabilities, al-Qaeda would as well. Of all of the pieces of intelligence assembled in the lead-up to war, this one was the most chilling: the prospect of weapons of mass destruction, including nuclear weapons, under Osama bin Laden's control. And so we went to war to prevent this nightmare from occurring. What better proof that torture works?

But in January 2004, al-Libi recanted his confession. He said that he had invented the information because he was afraid of being further abused by his interrogators. The CIA withdrew the intelligence. It has since emerged that some U.S. intelligence agencies doubted al-Libi's claims from the very beginning.

The administration's best case for the value of enhanced interrogation techniques, then, turned out to have been fundamentally flawed. If the consequences of torture are as catastrophic as embarking upon the Iraq War on the basis of fabricated information, it emasculates the claims by torture's defenders that the practice saves lives.

Rand Beers served as a counterterrorism adviser on the National Security Council, when he held the position of special assistant to the president and senior director for combating terrorism. He is now president of the National Security Network.



PETER BERGEN

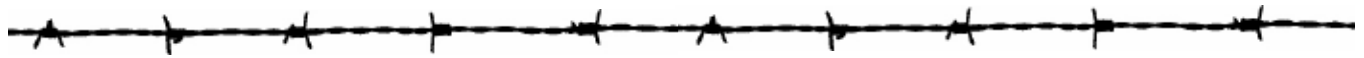
In a Manhattan courtroom in May 2001, four men were convicted for their roles in al-Qaeda's bombings of the American embassies in Kenya and Tanzania three years earlier. The evidence against them had been collected without recourse to torture, coercion, or unorthodox interrogation techniques. The attacks had killed a dozen Americans and more than two hundred Africans, and family members of some of the victims attended the trial and testified about the devastating loss of their loved ones.

The trial had other benefits, too: media coverage revealed to the world that al-Qaeda had tried to acquire material for a nuclear weapon in the mid-1990s. (Special procedures were put in place to make sure that no classified information leaked from the proceedings.) Three years after the attacks, the murderers were sentenced to life without parole. Instead of becoming martyrs, they will languish in obscurity in a high-security American prison until they die. It's hard to imagine a better outcome for the victims' families or the American public.

Contrast that with the planned military tribunal of Ramzi bin al-Shibh and Khalid Sheikh Mohammed (widely known as KSM), the operational commanders of the 9/11 attacks. It was announced in February that bin al-Shibh and KSM will likely appear before a panel of military judges at Guantanamo, more than six years after the assaults on Washington and New York. However, the proceedings may not start until years from now, considering the numerous legal challenges that bin al-Shibh's and KSM's lawyers are likely to mount.

Of all those potential challenges, the most potent the lawyers will raise is that their clients were tortured. The CIA has admitted that Khalid Sheikh Mohammed was waterboarded, a practice that the United States prosecuted as a war crime after World War II. Bin al-Shibh does not appear to have been waterboarded. However, CIA Director General Michael Hayden recently admitted to Congress that around thirty detainees had been subjected to “enhanced interrogation techniques.” Given bin al-Shibh's high rank in al-Qaeda, it would be extremely surprising if he weren't interrogated using such procedures. In short, it's hard to imagine how the handling of KSM and bin al-Shibh could have been less satisfactory for the victims' families or America's reputation.

What is perhaps most astonishing of all is that the mistreatment of KSM and bin al-Shibh was entirely unnecessary. Before they were captured, they had explained the details of the 9/11 attacks in an April 2002 interview with Yosri Fouda, an Al Jazeera correspondent. Fouda's interviews resolved key ques-



tions that investigators still had about the plot—for instance, that United 93 was on its way to destroy the Capitol when it crashed into a field in Pennsylvania, and that al-Qaeda had once contemplated crashing planes into American nuclear facilities. KSM and bin al-Shibh explained how they kept Osama bin Laden, then living in Afghanistan, informed about the timing of the attack, and they laid out the coded correspondence they had conducted with the lead 9/11 pilot, Mohammed Atta.

The CIA provided summaries of the interrogations of KSM and bin al-Shibh to the 9/11 Commission. There is little or no difference between the account that KSM and bin al-Shibh freely volunteered to Fouda in the spring of 2002 and the version the commission published in its 2004 report. Nor was Fouda's reporting difficult to find: he hosted a one-hour documentary on Al Jazeera, wrote a long piece in London's *Sunday Times*, and coauthored a book, *Masterminds of Terror*, about KSM and bin al-Shibh. By the time CIA officials captured the pair, a full account of their operations was only a Google search away.

Obviously, then, it was unnecessary to waterboard KSM to find out what he knew about the 9/11 plot. What, though, of the administration's assertion that coercive interrogation techniques have saved American lives? To assess that claim, we must examine the details of other terrorist plots that KSM gave up after his capture, presented in a document the government released in 2006:

KSM launched several plots targeting the US Homeland, including a plot in late 2001 to have ... suicide operatives hijack a plane over the Pacific and crash it into a skyscraper on the US West Coast; a plan in early 2002 to send al-Qa'ida operatives to conduct attacks in the U.S.; and a plot in early 2003 to employ a network of Pakistanis ... to smuggle explosives into New York and to target gas stations, railroad tracks, and a bridge in New York.

It all sounds very frightening, except that there is no indication that these plots were ever more than talk. The one exception is the plan by Iyman Faris, an Ohio trucker who worked for KSM, who researched the feasibility of bringing down the Brooklyn Bridge with a pair of gas cutters in 2002, an enterprise akin to demolishing the Empire State Building with a firecracker. If that is all we could discover by waterboarding the most senior al-Qaeda member in our custody, it's thin stuff indeed.

It's impossible to know whether KSM might have volunteered the same information under normal questioning, but it's worth considering the views of Brad Garrett, a retired FBI special agent who secured a fulsome, uncoerced confession from KSM's nephew, Ramzi Yousef, the mastermind of the 1993 Trade Center bombing. "The intelligence world has decided that collecting intelligence is different than getting criminals to tell the truth, which is complete and utter BS," Garrett told me. "Their argument is that law enforcement is working off of past tense (what crime did you commit?) and the intelligence world is trying to find out the future (what

are you going to blow up?). The reality is that you must first determine if what you are getting is truthful, whether it be present or past tense."

Nothing better illustrates this point than KSM's claim that he killed the *Wall Street Journal* reporter Daniel Pearl in Pakistan in 2002. According to a Western official who was deeply involved in the Pearl investigation, there is simply no evidence that KSM killed him. Nor did KSM mention it in his interview with Fouda, within three months of Pearl's death. KSM also had an incentive to lie: since he is almost certain to be executed, he may have calculated that confessing to Pearl's murder could help free militants jailed in Pakistan for their role in the journalist's kidnapping and death.

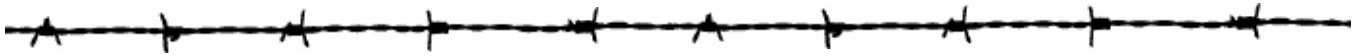
The U.S. government has belatedly realized that the CIA's treatment of KSM could seriously jeopardize the trial of the man who planned the largest mass murder in American history. According to the *Washington Post*, FBI and military interrogators known as the "Clean Team" have been independently collecting the same information from KSM and other al-Qaeda members that they gave to the CIA, this time us-

The torture of Khalid Sheikh Mohammed was entirely unnecessary. Before he was captured he spilled the details of the 9/11 plot in an interview with Al Jazeera.

ing standard rapport-building techniques. (These techniques were also successful in securing a detailed confession from Saddam Hussein.) Still, legal experts have questioned whether the new interrogations can entirely remove the taint of the CIA's coerced confessions.

Since 2006, the CIA has prohibited its operatives from waterboarding, following a Supreme Court decision requiring the administration to respect the Geneva Conventions ban on "humiliating and degrading treatment" of prisoners. In February, Congress passed a law banning the CIA from using some harsh interrogation techniques, including waterboarding. But loopholes remain, and while they do, this chapter of American history is not yet closed. The new president should formally declare in 2009 that the United States will not abuse or coerce detainees, maintain secret prisons where "ghost" prisoners are secreted, or perform "extraordinary renditions" of supposed terrorists to countries where they will likely be tortured. Only then can the United States more plausibly claim that she is the leader of the free world.

Peter Bergen is a Schwartz senior fellow at the New America Foundation and the author of *Holy War, Inc.* and *The Osama bin Laden I Know*.



JIMMY CARTER

Until recent years the United States has been in the forefront of condemning torture and indefinite detention without trial as fundamental violations of human rights. The Geneva Conventions are held as the unquestioned standard for the treatment of prisoners of war. I would not have believed that in my lifetime I would feel the need to call for an unambiguous prohibition against the practice of torture by agents of the U.S. government.

A burgeoning global human rights movement was, slowly but surely, taking root by the end of the twentieth century, as more and more nations sought to turn principles of human decency into the practice of greater justice for all. Tragically, the tolerance of torture by our own government is today threatening to undermine the cause of human rights and the work of those who defend these principles in the face of growing dangers.

Our nation, which overcame slavery and segregation to

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proudly raise the banner of human rights for all to see, now finds itself condemned amid the indelible images of human degradation, perpetrated by U.S. forces in charge of the Abu Ghraib prison in Iraq. Our government's persistent unwillingness to ban the use of torture by its own agents or to grant access to legal counsel or prospect of a proper trial to hundreds of prisoners at Guantanamo Bay emboldens those who oppose human rights elsewhere.

Many courageous human rights defenders who document and report human rights violations throughout the world say that these actions by the United States rob them of the tool that has been central to their success: the ability to name and shame human rights violations. Abusive governments now believe that the rules have changed, and they too easily make excuses that sound a lot like the U.S. government's arguments to legitimize its own conduct.

As we commemorate the sixtieth anniversary of the Universal Declaration of Human Rights, the United States must acknowledge that the world has become a battlefield where the rules of human rights no longer apply. We must urgently consider what this will mean for our own country and for our moral leadership in this world.

Former U.S. President Jimmy Carter founded the nonprofit Carter Center, which promotes human rights and the alleviation of suffering worldwide.

STEVE CHENEY

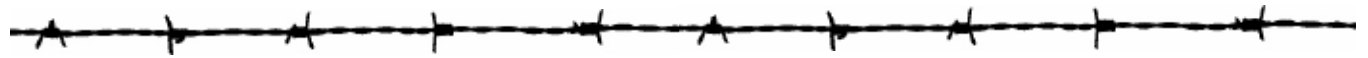
In 1991, during Operation Desert Storm, U.S. Marines faced the task of processing thousands of Iraqi prisoners of war. They did so with dignity, grace, and humanity. POWs expressed astonishment that the same Americans who had fought so fiercely in battle were now treating their prisoners so kindly. What those POWs did not initially expect (or even understand) was that the Americans would follow Article 4 of the Third Geneva Convention, which protects captured military personnel, guerrilla fighters, and civilians. Geneva applies from the moment a prisoner is captured to the moment he or she is released or repatriated. One of its bedrock provisions is that prisoners cannot be tortured. In fact, a prisoner can only be required to give his name, date of birth, rank, and service number.

In 2003, Iraqi prisoners were treated very differently. At Abu Ghraib prison, detainees were beaten, stripped naked, confined in small spaces, sexually humiliated, and threatened with dogs by U.S. Army soldiers and civilians. This violated our national values and subjected our country to worldwide condemnation.

Respect for the rule of law is a bedrock of military effectiveness, and so is a strong moral code. In 1996, the Marine Corps introduced a culminating event into the recruit training syllabus: "The Crucible." The Crucible is a rigorous fifty-four-hour field exercise demanding extensive teamwork and the application of everything a recruit has learned. Getting through it requires not only physical stamina but also a sense of moral standards, particularly the core values of honor, courage, and commitment. Marines, in short, are trained to do the right and moral thing. They are not trained to torture.

Abusing prisoners of war is not only immoral and illegal but also unhelpful at producing good intelligence. Some have suggested that torture might be necessary in a "ticking bomb" scenario. Even in an extremely unlikely circumstance of that sort, however, there is no reason to think that the information would be any more accurate as a result of torture. As Senator John McCain has avowed, "If you inflict enough physical pain on someone, they will tell you anything they think you want to know."

Condoning torture or even simply condoning practices that are inconsistent with our values puts our troops at greater risk and diminishes America's moral authority across the globe. Marine General Jim Mattis stated in 2003 before the invasion of Iraq, "We can be your best friend, or your worst enemy." Like many generals, Mattis has used harsh words and encouraged his Marines to be tough. What



he has never condoned, however, is torture. We shouldn't either: it is illegal, inhuman, and morally wrong.

Brigadier General Steve Cheney, U.S. Marine Corps (Ret.), served nine years on the Marine Corps' two Recruit Depots, including a tour as the commanding general at Parris Island. He was also the inspector general for the Marine Corps. Brigadier General Cheney retired in 2001; he is now the president of the Marine Military Academy in Harlingen, Texas, and is on the board of directors for the American Security Project.



AMY CHUA

During the Second World War, my parents were children in the Japanese-occupied Philippines. My mother witnessed countless examples of Japanese brutality. I'll never forget her description of the Japanese soldiers who held her uncle's jaws open, forced water down his throat, and laughed that he would burst like a balloon.

When General Douglas MacArthur liberated the country in 1945, my father remembers running after American jeeps and cheering wildly as American troops tossed out free cans of Spam. For him, the Americans were heroes, the antithesis of the abusive Japanese. Fifteen years later, when my parents landed in Boston with scholarships from MIT, America represented to them not only economic opportunity, but also generosity and decency.

My parents stayed in this country and became American citizens. My sisters and I were all born here. As we grew up, America's power and prosperity continued to increase. By the end of the twentieth century, with the collapse of the former Soviet Union, U.S. supremacy appeared to be almost boundless.

Today, however, America's place in the world seems much more precarious. New superpowers, such as China, are emerging. The United States is beleaguered on many fronts: its economy is shaken, its reputation has been tarnished, and its treasury has been depleted by hundreds of billions of dollars poured into a war it may not win.

All of this has critical implications for the United States with regard to the use of torture. Even apart from considerations of principle, America has an urgent strategic interest in reclaiming its reputation as a moral nation.

Throughout history, there have been only a tiny handful of hyperpowers: societies that amassed such unrivaled economic and military might that they essentially dominated the world. Rome, of course, is the most famous example. As today's hyperpower, the United States is frequently compared to the Roman Empire, which also tried to wield its tremendous military power to pacify, "civilize," and bring commerce and prosperity to weaker states and peoples.

And yes, Rome practiced torture. At the gladiator games, for example, criminals and slaves, including children, were shredded by wild beasts for the entertainment of roaring crowds.

Rome was hardly alone. The kings of Achaemenid Persia (arguably history's first hyperpower, in existence from 550 BC to 330 BC), plucked out eyes, sliced off noses, and upholstered chairs with human skin. The Mongols, who conquered half the known world in the thirteenth century, poured molten silver into the eyes and ears of their enemies.

But America is not Rome, nor any of the hyperpowers that came before it. The sources of U.S. wealth and power are very different, and so is its relationship to the world it dominates.

In ancient times, empires grew rich through conquest and annexation. By contrast, America's wealth flows from commerce and immigration. The key to its success has always been its ability to draw the most talented and enterprising people to its shores. Today, in a globalized economy where countries furiously compete for the most valuable human capital, America's status as the magnet for the world's best and brightest can no longer be taken for granted.

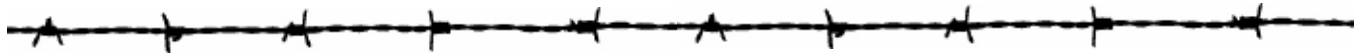
The hyperpowers of old also inhabited a world in which the concept of human rights was unknown. Today, such rights have been codified in international law and are almost universally recognized. Ancient empires could engage in torture or brutality without losing legitimacy. The United States cannot.

The case for torture is essentially a national security argument: that extreme interrogation techniques are necessary in a fight against global networks of terrorists in which the gathering of sensitive information is crucial. In the long view of history, this is a dangerously shortsighted argument. Our national security relies on far more than rounding up and questioning terrorist suspects.

American power in the twenty-first century depends on whether the United States can be the nation that my parents and many millions of other immigrants came to know: a country that stood for both strength and decency. If we lose that moral authority, America's global dominance will be rejected by the billions of non-Americans over whom the United States projects its power. America's ability to lead, let alone inspire, will be severely compromised. And in an increasingly competitive world economy, the most talented and skilled immigrants will look elsewhere, eroding the formula for America's remarkable success that has worked for two centuries.

Many will say that America has never been the honorable nation it claims to be. That was not my parents' view, and it is not mine. If America is to retain its preeminence in the years to come, it must be not only an economic and military hyperpower, but a moral hyperpower too.

Amy Chua is a professor at Yale Law School and the author of *Day of Empire: How Hyperpowers Rise to Global Dominance—and Why They Fall*.



RICHARD CIZIK

Do evangelical Christians have a uniform view on torture? Sadly, not yet. But I believe they should, for the reasons that follow.

The most powerful argument against torture is the Christian tenet that every human life is sacred. How can we say we are for the sanctity of human life, and then deny those God-given rights?

The second is human rights. The concept of human rights is not a secular idea, but one found in Christian sources long before the Enlightenment. Among the most basic is the right to security of person, which surely includes the right not to be tortured.

Third, there are the far-reaching consequences of torture. Since 9/11, we have exchanged our reputation as a leader of human rights for a clouded moral vision. Mistreatment of enemy combatants invites mistreatment of American troops when captured—if not in Iraq today, then in future conflicts.

Fourth, there is the simple duty that we all have as citizens to obey the law. U.S. law and military doctrine prohibits torture or cruel and degrading treatment. Yet by the government's own admission, American interrogators have resorted to the practice of waterboarding, which is a form of torture. It is also indisputably clear from the testimony of other former intelligence and military officials that we have, by other methods, tortured prisoners in custody.

Legal loopholes remain that permit most of these practices to continue. (The Intelligence Authorization Act of 2008, approved in late February by the Senate but not, as of this writing, signed by President Bush, would close many of these loopholes.) The Pentagon's revised Army Field Manual on interrogation, which bans all acts of torture and cruel and degrading treatment, should be extended to every sector of the U.S. government, without exception.

A consensus is emerging within our churches about our obligation to speak out against torture. As evangelical Christians, we have a non-negotiable responsibility to oppose a policy that is a violation of both our religious values and our national ideals.

Richard Cizik is vice president for government affairs of the National Association of Evangelicals.

WESLEY K. CLARK

Torture—the word evokes images of dark, damp dungeons and outlandish punishments and pain. But torture can take many forms, and it lives today. Incredibly,

Americans are part of it. And we must put a stop to it.

Torture is illegal, ineffective, and morally wrong. The United States has signed numerous treaties condemning torture and abjuring its practice. Those treaties are the law of the land. And, yes, waterboarding is torture: in the past, we convicted and punished foreign nationals for torture by waterboarding. There are no legal loopholes permitting torture in “exceptional cases.” After all, those were the same excuses used by the torturers we once condemned.

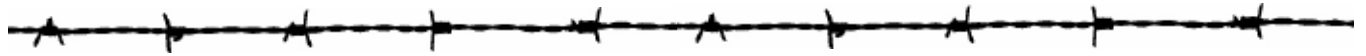
The honor of the American man-at-arms is one of our most potent weapons. It is enshrined in the Geneva Conventions. It encourages our enemies to surrender to us on the battlefield. It protects any of our own soldiers who may have been captured. It encourages noncombatants and civilians to trust us and cooperate willingly. And it does not countenance the abuse of captives in our care.

We have known this from the outset of the Republic. General George Washington emphasized the proper treatment of Hessian prisoners during the Revolutionary War, reasoning that we might win them over. In many cases, we did just that.

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During the Civil War, we issued the Lieber Code, emphasizing that torture to gain confessions or information was never permissible. Ever since, it has been the standard to which the American armed forces have adhered. During World War II, we trained interrogators to elicit voluntary information from our adversaries, and it worked. Today, the FBI is firm in its belief that proper interrogation doesn't require torture and that better information can be obtained without it.

Something in the American soul has always demanded fair treatment and respect for the individual. Perhaps it was our flight from the repression of the Old World and the practices of European monarchy. We were different. We expressed it in our Declaration of Independence. We captured it in our adaptation of English common law, in our trials by juries of peers, and in our spirit of justice. We were a better nation for it, more respected, more influential, and more secure. Certainly, we committed historical wrongs that today we wish we could set right, but overall we advanced, step by step, striving to live the values we professed.

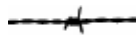


Until now. Until weak, fearful leaders had so little belief in our values and principles that they gave away our birthright and proud claim in order to follow a shadowy emulation of the very dictatorships and tyrannies we had struggled against. For shame, America, that we aren't brave enough and strong enough to live our values.

Today, in the struggle to finish off the extremists plotting against us, it won't be torture and fear that win the day for America. Far from it. Nations that torture end up despised and defeated. No, to win we'll have to live up to the values we profess, the belief in human rights, equal justice, fair trials, and the rule of law. These ideals are potent weapons. They will give us allies, friends, information, and security—but only if we live them.

We've done it before. In the thrust and parry of the cold war, America's adherence to proper standards and international law won us respect, allies, friends, and, ultimately, the influence that helped bring down the Soviet system. And we can have the same success in our fight today. We just have to make more friends and fewer enemies. And in such a strategy, there's no place for torture. Or for those who would torture.

General Wesley K. Clark, the former supreme commander of NATO, led alliance military forces in the Kosovo war in 1999. He is a senior fellow at the Ronald W. Burkle Center for International Relations at UCLA and author, most recently, of *A Time to Lead: For Duty, Honor, and Country*.



JACK CLOONAN

When we speak today of “breaking” a terrorist suspect, many people picture something grim—perhaps a subject curled up in a fetal position and begging for mercy. But it's not what I picture. I worked as a special agent for the FBI's Osama bin Laden unit from 1996 to 2002. During that time, my colleagues and I had the chance to question numerous operatives from al-Qaeda. We broke many terrorists. But we did it the right way: by being intelligent and humane.

One man we captured was Ali Abdul Saoud Mohamed, an al-Qaeda operative behind the 1998 bombings of the U.S. embassies in Kenya and Tanzania. Ali Mohamed had fully expected to be tortured once we took him in. Instead, we assured him that we wouldn't harm him, and we offered to protect his family. Within weeks, we had opened a gold mine of information about al-Qaeda's operations.

Ali Mohamed wasn't unique. We gave our word to every detainee that no harm would come to him or his family. This invariably stunned them, and they would feel more obligated to cooperate. Also, because all information led to more information, detainees were astonished to find out how much we already knew about them—their networks,

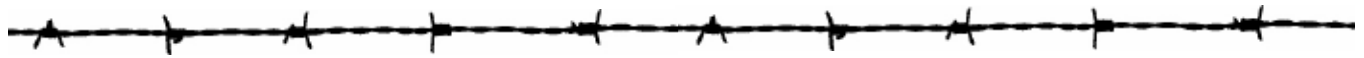
their families, their histories. Some seemed relieved to reveal their secrets. When they broke, the transformations were remarkable. Their bodies would go limp. Many would weep. Most would ask to pray. These were men undergoing profound emotional and spiritual turmoil—the result of going from a belief that their destiny was to fight and kill people like us to a decision that they should cooperate with the enemy.

We discovered a lot. Well before 9/11, we already knew how al-Qaeda was running its surveillance on embassies in London and around the world, how trainees were taught to purchase planes as small weapons, when Osama bin Laden would get up in the morning, what he would eat, and who his advisers were. We intercepted operations that were underway, we learned about important names and pseudonyms in al-Qaeda, and we assembled an extensive archive of drawings and photographs of key members of the terrorist network.

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Members of foreign intelligence services were often invited to sit in on our interrogation sessions. Often, they started out skeptical of our approach, offering to take over from us if we encountered any recalcitrance on the part of the suspect. In the end, though, they became believers in our methods. (Given the legal restraints under which we operated, we did not allow the CIA into our sessions, but I sent daily updates on what we had learned. No one wanted to be accused of not sharing information.)

Intelligence failures had much to do with the atrocity of September 11, but those had nothing to do with a lack of torture. Let me be clear on one crucial point: it is the terrorists whom we won over with humane methods in the 1990s who continue to provide the most reliable intelligence we have in the fight against al-Qaeda. And it is the testimony of terrorists we tortured after 9/11 who have provided the most unreliable information, such as stories about a close connection between al-Qaeda and Saddam Hussein. I never regret that the FBI didn't abuse its detainees. Had we done so, we would have had much less reliable intelligence, and we would have been morally debased. By instituting a pol-



icy of torture in the years following 9/11, we have recruited thousands to al-Qaeda's side. It has been a tragic waste.

I've mentioned that we assured our detainees that we wouldn't harm them or their families. One of our techniques for breaking them was repeating that powerful promise again and again and again. But who would believe us now?

Jack Cloonan, a twenty-five-year veteran of the FBI, was a special agent for the Bureau's Osama bin Laden unit from 1996 to 2002.

CHRIS DODD

Historical memory is painfully short. Normandy, Nuremberg, the Marshall Plan: they represent the heights of America's moral authority in the last century, and they mean everything to me. But how much do they mean to the generation coming of age all over the world in this century? How is America making itself known, right now?

Often with stories like the following (to choose just one of hundreds): A prisoner at Guantanamo was deprived of sleep for more than fifty-five days. Some nights, he was doused with water or blasted with cold air. After he had spent weeks in a state of delirious, shivering wakefulness, gravely ill from hypothermia, medical officers bound to an ethical code that instructs them to "first do no harm" strapped him to a chair, pumped him full of three bags of medical saline, brought him back from death—and then sent him back to his interrogators.

I hear that story and think, "That's impossible. That's not us. That can't be real." But to a young man or woman growing up in Amman or Caracas or Guangzhou, it is more real than the nation that once extended the rule of law to those enemies it hated the most. That nation can seem like another place entirely when you hear the stories of our secret prisons, or see the photographs from Guantanamo and Abu Ghraib.

But we know that it is not another place entirely. This is the country that refused for centuries to suspend its Constitution for vengeance. It is the country of which George Marshall said, "Respect for the reign of law ... is expected to follow the flag wherever it goes." In recent years, we have diverted wildly from this course. The burden is on us now to prove that we can once again be that country.

I believe the next administration could restore the rule of law—without loopholes—on its first day in office. I believe we could do it tomorrow, if we chose to. I believe that it is possible to keep our country safe and our Constitution whole at the same time.

There are many Americans who believe that this can't be done: that the terrorist threat we're facing is so vast and

unprecedented that parts of our Constitution have become luxuries, and that the Geneva Conventions have been rendered, in the words of Alberto Gonzales, "quaint." They could not be more wrong.

The question is not, "Does torture work?" Of course it works. If your goal is to get a confession out of someone, then torture is an excellent tool. Almost everyone breaks eventually. If you hit a man often enough, if you keep him awake for long enough, if you fake his execution convincingly enough, he will sign whatever you want him to sign.

But how many of those confessions are true, and how many are lies to make the pain stop? How do we tell the difference? General David Petraeus has called torture "neither useful nor necessary." America's most experienced interrogators have been saying the same thing for years.

If only we were listening to them back in 2002. That was the year we sent an al-Qaeda paramilitary trainer named Ibn al-Shaykh al-Libi to Egypt. Under torture, he said that Saddam Hussein trained al-Qaeda members in the use of weapons of mass destruction. That confession found its way into a speech that President Bush gave in October 2002, in the run-up to the invasion of Iraq. It was a centerpiece of Colin Powell's speech to the U.N. Security Council justifying the invasion.

It was also a total falsehood. Both the CIA and the Defense Intelligence Agency found that it was a lie elicited by torture. But by then, it was too late: it had helped pave the way for a war in which more than 3,900 of our sons, daughters, and neighbors have lost their lives.

But if torture fails to produce credible information, it does do two things exceptionally well.

First, it puts our troops in danger. The White House has now declared that waterboarding is not torture. What is to stop other regimes from "not torturing" our soldiers in the same way? Second, torture excels at making terrorists. It can help spawn warped men who will seek revenge for the rest of their lives. Justice Robert Jackson recognized the dangers of mistreating our enemies when he explained the necessity of fair trials for Nazi war criminals at Nuremberg: "To pass these defendants a poisoned chalice," he said, "is to put it to our own lips as well."

To me, Robert Jackson is an immediate figure; my father was his deputy at Nuremberg and described him in detail in his letters home. But to my two young daughters, and to every member of their generation, he is already ancient history. To them, the history that matters most is the one we are writing right now.

Someday, when they're old enough, they'll read in their textbooks the history of a great nation that lost its way—and how, I hope, it found its way back. The most pressing question they'll have won't be about George Marshall or Robert Jackson. It will be, "What did *you* do?" That question is coming, soon, for every single one of us.

Chris Dodd is a Democratic senator for Connecticut.



**KENNETH M. DUBERSTEIN
& RICHARD ARMITAGE**

The attacks of September 11, 2001, opened the public's eyes to the long, often violent struggle against terrorists that had been waged in the shadows for decades. The United States responded with mercy for the victims and vengeance for the perpetrators of the attack. More than six years later, we have an opportunity and a duty to reflect on our actions as a nation since that day. There is much in which we can take pride.

Unfortunately, though, we have played games with the definition of torture and intentionally blurred the lines between right and wrong. That is not a situation in which America should find herself.

In bold strokes and subtle shifts, the United States opened the door to torture in an effort to "get tough" with individuals who may have had information about additional attacks in the weeks and months following 9/11. We know, among other things, that waterboarding was used against al-Qaeda operatives in U.S. custody. As of this writing, the Bush ad-

Reagan understood that our response to threats must neither diminish who we are nor undermine our values. It was Reagan who said, "Coercion, after all, merely captures man. Freedom captivates him."

ministration refuses to rule out the use of such "enhanced interrogation techniques" while continuing to insist that officials of the U.S. government do not use torture.

Let there be no mistake: waterboarding is torture—and it should never be used by the United States. No less a hero than John McCain will attest to this.

Every American president bears a mighty burden as commander in chief. We saw this firsthand with President Reagan. But President Reagan understood that our response to threats must neither diminish who we are nor undermine our values. It was President Reagan who said, "Coercion, after all, merely captures man. Freedom captivates him."

In the war on terror, we face an enemy that will not be defeated through coercion or the use of force alone. To meet

this challenge, we must live up to our ideals as a nation.

Our greatest strength is found in the power of the United States to inspire belief in freedom's potential to transform the world for the better. But to have credibility, to have strength, our words and actions must embody the principles that have made America a beacon to the rest of the world for 232 years.

We will not win the war on terror merely by being brutal or tough. We must build policies that are first and foremost effective. Torture undermines our effectiveness in this struggle because it debases us. It reduces us to the same brutality as our enemies, and it alienates people around the world who, as General Colin Powell wrote, are "beginning to doubt the moral basis of our fight against terrorism."

America must keep itself free and secure by explicitly and unequivocally rejecting torture.

Across its history, America has been many things: a beacon of hope, the arsenal of democracy, a champion of human rights, and a liberator. In this long litany, there is no room for torture. It is not what we are about as a country.

Kenneth M. Duberstein is chairman and CEO of the Duberstein Group, an independent strategic planning and consulting company. He was chief of staff to President Ronald Reagan. **Richard Armitage** is president of Armitage International and served as deputy secretary of state from 2001 to 2005. Both Duberstein and Armitage are members of the board of the American Security Project.



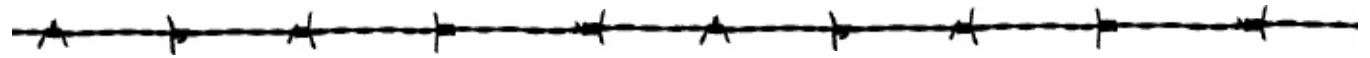
ERIC FAIR

In the fall of 2007, after more than ten years of service to the U.S. government as a soldier, police officer, intelligence analyst, and interrogator, I enrolled in divinity school in order to pursue ministry in the Presbyterian Church. Like all second-career graduate students, I struggled to reorient myself to a life of reading, research papers, and exams. The real struggle, however, came as I worked to erase the unforgiving memories of conducting interrogations in places like Baghdad, Fallujah, and Abu Ghraib.

I'm often asked to explain how my experience in Iraq led me to seminary. There is, I suspect, an expectation that my story is one of redemption, in which something good comes out of something bad. But there was nothing good about war, nothing good about my time in Iraq.

In 2004, as an interrogator for a government contractor, I utilized or witnessed a variety of aggressive interrogation techniques designed to solicit the cooperation of Iraqi detainees. All of the techniques were officially sanctioned. They included sleep deprivation, stress positions, diet manipulation, exposure, and isolation.

My experience as an interrogator led me to a place of anger and shame. I returned home in a panicked state, unable



to reconcile my values with what I had done. I was unable to put the building blocks of my Christian faith back together. As the chaos of war faded, the reality of my actions settled in. I became desperate for a return to chaos. Prayer, devotions, worship, and fellowship were replaced by depression, seclusion, nightmares, and alcohol.

These are the unspoken consequences of our interrogation policies. There is no escaping them. Both victim and perpetrator carry them in silence. For one it is a great injustice, for the other, a fitting punishment. With the help of trusted friends and a caring family, I'll strive for improvement, and seek forgiveness and reconciliation. Some scars will never heal.

But the scars of guilt are no longer mine alone. They are carried now by this entire nation, its people, its institutions, and its leaders. The failure of men like me to prevent these egregious acts is now eclipsed by the failure of the nation to bring "enhanced interrogations" to an immediate end.

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In defense of such tactics, we hear impassioned arguments about tough decisions that must be made in the face of a ruthless enemy. Those arguments are made by individuals who insulate themselves from the consequences of their own decisions. They have neither suffered interrogation's humiliation nor wielded its destructive power.

We have waited too long to bring this horrific chapter in American history to an end. Someday soon, our children and grandchildren will want to know more about the war in Iraq. But instead of questions about the heroic battles we fought or the campaigns we won, they will ask us why, at the beginning of the twenty-first century, the United States of America endorsed the use of torture.

With a deep sense of shame, I'll tell my children about what I did. But I'll also tell them how I eventually addressed my transgression as openly and honestly as I knew how. I'll tell them how I appeared before Army and congressional investigators, answered every question, admitted to every mistake, and never dreamed of destroying evidence. We must ask of those who hide behind the doors of secrecy, who refuse to give direct answers to difficult questions, who destroy the proof of their involvement, and who support and direct this shameful policy: What will you tell your children?

Eric Fair is now a graduate student at Princeton Theological Seminary.

CARL FORD

It was a profound mistake for the U.S. government to think that the tragic events of 9/11, and an understandable fear of future terrorists armed with nuclear weapons, justified its use of torture. Describing torture as "enhanced interrogations," "use of all necessary means," or "educing information" doesn't change a thing. Torture in any shape, form, or fashion is still an unacceptable practice for all U.S. officials, whether civilian or military. Even if torture worked—and there isn't even an iota of proof that it does—its use betrays every treasured principle and freedom we Americans hold dear. In the Vietnam-era Army, my superiors drilled into me that the soldier's duty was to refuse a command to torture (or any other unlawful order I might receive). When I was a young CIA officer, my superiors insisted that there was no place in American intelligence for torture or other reprehensible practices. The time is long past for our return to those wise and honorable teachings. Waiting another day to eliminate an outrageous practice is both dumb policy and irreconcilable behavior.

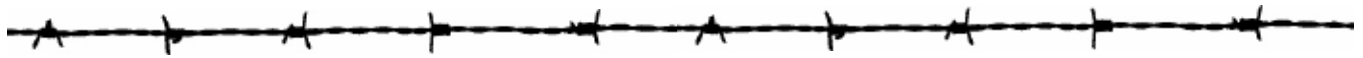
Carl Ford was the assistant secretary of state for intelligence and research from 2001 to 2003. He has also served as an intelligence officer in the Army, the Defense Intelligence Agency, and the CIA.

LEE F. GUNN

Here are four simple truths about torture for you to consider: It is un-American. It is ineffective. It is unnecessary. And it is damaging.

Torture is un-American. Any policy of the United States that permits inhuman treatment of prisoners violates our principles as a nation and a people. Jack Bauer on the television show *24* represents a historic departure for American theater, perhaps the first prominent example of a "good guy" routinely employing torture. What does that teach impressionable viewers about our country? That under some circumstances anything goes? That desperate times call for desperate measures, and these are desperate times for the world's greatest nation? That our values can be sacrificed if we feel threatened? These are terrible lessons. Asking men and women in service to our country to torture on our behalf is repugnant, inexcusable, and completely contrary to our national values.

Torture is ineffective. Information extracted through the use of torture is unreliable. In fact, the more severe the torture is, the less reliable the information it produces. Time and again, on the battlefield and elsewhere, other means of



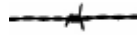
extracting information have been shown to work well, preserving opportunities to return to the prisoners for more intelligence. Acting on misleading information provided by a practiced informant can cost lives and squander opportunities to thwart attacks.

Torture is unnecessary. In the hands of a skilled interrogator, humane questioning and incentives can work wonders. Torture is never right for an untrained questioner on the battlefield. Nor is it appropriate for experienced interrogators who know how to work with someone who is totally under their control.

Torture is damaging. A person who is tortured is damaged, but so are the torturers, the nation, and the military. Torturers live with feelings of guilt and disturbing memories for the rest of their lives. The nation suffers a loss of reputation that leaves it, if not irreparably damaged, at least severely diminished by its refusal to abide by its espoused standards of behavior in the realm of human rights. Finally, and perhaps most important to this writer, our military is forced to operate under conditions in which our men and women in uniform on the front lines around the world are at greatly increased risk of retaliatory torture by our enemies. A colleague of mine remarked recently that most American soldiers who will be taken prisoner in future wars have not yet been born. We owe these soldiers of tomorrow our honorable behavior in interrogating the prisoners of today.

Consistent and clear guidance to everyone in service to the country is essential. It is the duty of the commander in chief and every other person in a position of responsibility to define the limits of permissible behavior and to make sure that the standards we set are ones of which Americans can be proud. And it is the duty of our government—right now—to establish unequivocal standards for interrogation to which every department and agency of the government must subscribe.

Vice Admiral Lee F. Gunn, U.S. Navy (Ret.), is a member of the board of the American Security Project.



CHUCK HAGEL

During World War II, U.S. Army intelligence officers at Fort Hunt, Virginia, questioned Nazi prisoners of war using ingenuity, skill, and knowledge of foreign cultures. They gleaned valuable intelligence at a time when the United States was fighting for its existence against an evil equally as menacing as that which we face today. And they acquired this information without resorting to abusive techniques, such as waterboarding, that are considered to be torture.

In fact, until now, every previous U.S. administration and every civilized government in history has condemned the

practice of waterboarding. After World War II, the American government convened war crimes tribunals that prosecuted and convicted Japanese soldiers for waterboarding American prisoners of war. A century ago, the U.S. Army court-martialed American soldiers for using similar methods during the Philippine insurrection. The public acknowledgment on February 5 by CIA Director Michael Hayden that the U.S. government has engaged in waterboarding is a disgrace to America and the values we represent.

In October 2005, eighty-nine of my Senate colleagues and I voted for the Detainee Treatment Act (DTA), which established the Army Field Manual on interrogation as the uniform standard for the interrogation of Department of Defense detainees. The act prohibited torture and “cruel, inhuman, and degrading” treatment of anyone detained by the U.S. government.

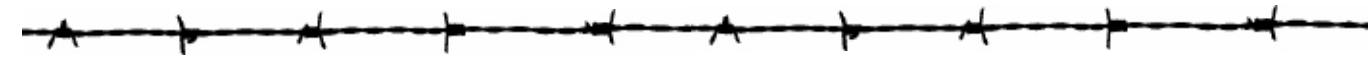
However, since then the need for a uniform, specific standard of conduct throughout the government has become clear. The DTA did not apply to all agencies, creating ambiguity in an area where there should be none. With the revelation of a separate CIA program that operates outside the bounds of acceptable interrogation techniques, the world has further questioned America’s word.

We are in a war of ideas against a radical extremist ideology. Effective and aggressive intelligence operations are essential to our security. But in our effort to protect the nation, we must remember our greatest strength: the principles of human rights that we have upheld throughout our country’s wars and conflicts. It is vital that the world can trust what we say and have confidence in what we do. There must be no doubt that this great nation does not torture.

Congress, then, must explicitly define acceptable interrogation practices. I support the use of the Army Field Manual as the single, government-wide standard.

If that standard is adopted, the effectiveness of our interrogations will not suffer. Torture is not only illegal—it also does not work. I have heard from numerous military and intelligence officers—including those World War II Army interrogators—who have seen combat and know the intelligence business. They have told the Senate that coercive interrogation generates “information of dubious value,” and that “revelation of the use of such techniques does immense damage to the reputation and moral authority of the United States, [which is] essential to our efforts to combat terrorism.” The Army has consistently said that the techniques authorized in the Field Manual give interrogators all the tools they require.

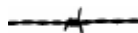
We must be bold and innovative in the fight against terrorism and extremism. But we must also be mindful that our actions have consequences and can sometimes serve the purposes of our adversaries. One of the greatest long-term dangers America faces is that we are now mistrusted by many nations, even our allies. In poll after poll, most people around the world say the United States plays a negative role in world affairs. As General Colin Powell has warned,



“the world is beginning to doubt the moral basis of our fight against terrorism.”

This is not a way to keep America safe, or to build our influence for good in the world. Americans must not take the easy, morally ambiguous road. That is not who we are. The right path—at times the more difficult path—is the one that is paved with our principles and our values.

Chuck Hagel represents Nebraska in the U.S. Senate, where he is a member of the Foreign Relations and Intelligence Committees.



LEE H. HAMILTON & THOMAS H. KEAN

The use of torture is contrary to American values and does not serve our national interests.

As a means of extracting information, torture is unreliable. It produces too much false information. The FBI has long dealt with our country’s most odious criminals without resorting to torture. According to the Army Field Manual on interrogation, coercive methods are *less* effective than other techniques in obtaining important information from people in custody.

The use of torture is an escalation of violence against our adversaries, planting the seeds of further violence and en-

dangering U.S. soldiers if they are captured. If we do not want our citizens to face torture elsewhere, we should not torture the prisoners we hold in our custody.

The use of torture undermines and casts doubt on lawful interrogation techniques.

It alienates the world from U.S. policies, obstructs international cooperation in the fight against terrorism, and impedes the achievement of our foreign policy objectives—such as the promotion of democracy—that depend on the moral standing of the United States.

The use of torture undermines our commitment to universal human rights. It undermines the rule of law, the Geneva Conventions, and the Conventions Against Torture, which the United States has joined. Each time we hear of a U.S. citizen employing torture, we must ask ourselves: Is this who we are? Is this how we want to be known to the world? We think not.

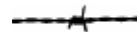
The secrecy with which the current administration has addressed the topic of interrogation techniques—condemning torture publicly, but refusing to identify the coercive tactics now in use—is an inappropriate way for the leaders of this great nation to present issues demanding momentous decisions. The American public should have the opportunity to engage in serious dialogue and debate, and our country surely will emerge stronger and more united for it.

It should be clear in the minds of Americans what is acceptable to do—and not do—to those whom we hold as prisoners.

Is there a middle ground? No. Accepting or justifying torture will lead us down a slippery slope into a moral abyss.

We have an obligation to future generations of Americans to protect U.S. national interests—and that includes upholding the values upon which our great nation was founded.

Lee H. Hamilton and Thomas H. Kean are the former vice chair and chair of the 9/11 Commission.

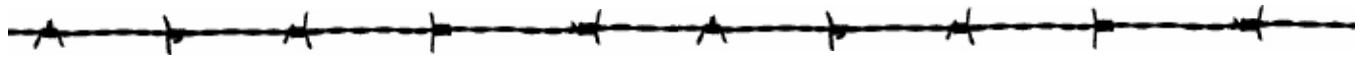


GARY HART

The Treaty of Westphalia, which ended the Thirty Years War in 1648, effectively established an entity that most of us today take for granted: the nation-state. In the nation-state, it is the duty of the state to protect the nation and of the nation to remain loyal to the state. When security threats to the nation arise, the state must defend against them, and, in times of danger, liberty is often at odds with security. For authoritarian states, such tension is easily resolved: err on the side of security.

The tradeoff becomes more problematic in constitutional democracies such as the United States. To be sure, our Founders were concerned about security (they wanted to “provide for the common defense,” and so on), but they de-





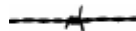
voted much greater attention in their debate and draftsmanship to the matter of personal liberty—the protection of the individual from the intrusion of the state. One can only imagine the dismay the Founders would have felt if confronted with the arguments of Bush administration officials such as John Yoo and David Addington, who assert that our government has not only the right, but also the duty, to torture American citizens if it feels the nation to be at risk.

Since it is primarily noncitizens who have been subjected to “enhanced interrogation,” however, two more issues arise: one is the practical problem of reciprocity, how other nations treat Americans they take prisoner; the other is the ethical and moral issue of what is right in our dealings with foreign enemies.

Not even the most obtuse partisan (including obtuse partisans with law degrees) could plausibly argue that the United States alone is at liberty to suspend international rules and suffer no consequences—that we can torture non-Americans captured in combat yet somehow avoid having American captives tortured in return. Since no one can make such an argument, then it follows that adherents of our policy of torture tacitly accept that American prisoners will be tortured in return. And that, I suppose they would say, is just too bad.

Only a willfully ignorant administration would trash international treaties and traditional alliances in the interest of security expediency. There is an obvious price to be paid for such actions, and it is not just that our soldiers are endangered. Everyday Americans, those possessing Jeffersonian “common sense and good judgment,” have virtually from birth believed that we hold ourselves to a high moral standard, that the ideals and principles of our Declaration and our Constitution define who we are. If we abandon those ideals and principles, then our sense of ourselves will be false, and we will be seen as great hypocrites. That is why we have always adhered to international law and convention, particularly the Geneva Conventions, and why we must do so once again. To sacrifice our great principles for an ounce of security is to pay too high a price. Torture is not an instrument in the arsenal of this democracy, nor should it ever be.

Gary Hart was a Democratic senator for Colorado from 1976 to 1987, and is currently the chair of the American Security Project.



JOHN HUTSON

The United States boasts a long, honorable history of treating our enemy prisoners humanely. That history begins with General George Washington, who ensured that Hessian troops were not abused. It continues with President Abraham Lincoln, who commissioned Dr. Francis Li-

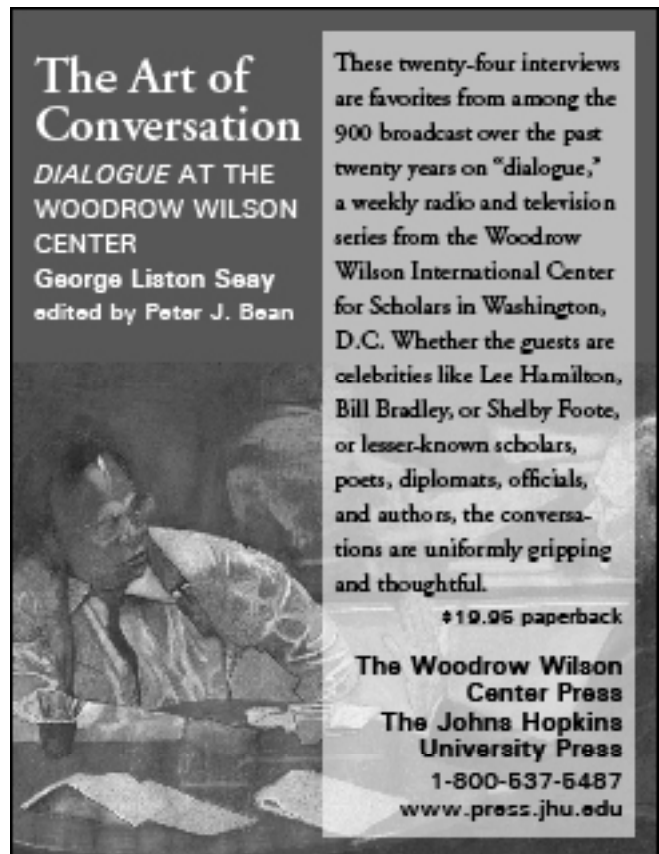
eber to draft rules of conduct to regulate the treatment of Confederate prisoners. What became known as the Lieber Code formed the basis for the Hague Conventions and the Geneva Conventions. As we know, the United States was a key champion of the Geneva agreements.

In more recent times, the United States has developed laws and regulations and ratified treaties that prohibit the abuse of prisoners. These include Article 93 of the Uniform Code of Military Justice, the 1988 Convention Against Torture, and the 1996 War Crimes Act, among others. Heretofore, the position of the United States on the subject of torture has always been crystal clear.

This approach serves us well in several ways. First, our adherence to the law of war protects our troops when they are in harm’s way. We can’t always expect our enemies to follow suit, but, as Senator John McCain argues, even terrorists are moderated to some small degree by the international abhorrence of torture.

Second, the United States will need to rely increasingly on coalitions to fight future wars. The potential allies we will want to fight alongside are repelled by our failure to comply with the Geneva Conventions. Only the outliers whom we disdain will be willing to fight a war that is not conducted in accordance with Geneva.

Third, torture inflicts a corrosive effect on those who perpetrate it. Would you want your son, daughter, or spouse to engage in the brutality of “enhanced interrogations”?

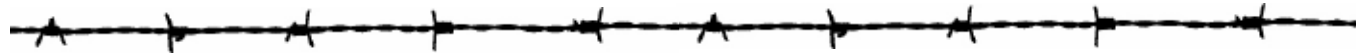


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Finally, there is this: Support for the rule of law and human rights is our most effective weapon. Our greatest strength isn't our military might, it is our ideas and our ideals. That's how we won the cold war. We don't have enough bombs or bullets to ensure a military victory over the enemy we now face. Nor can terrorists defeat us militarily.

However, we could commit national suicide by relinquishing our greatest weapon—our ideas and ideals. In an asymmetric war, the winning strategy is to match your strength against the enemy's weakness. This enemy's weakness is that he is bereft of ideas; all he has is terror. If we discard 225 years of American history—and the core of our identity—by engaging in enhanced interrogations, we essentially disarm ourselves.

The world knows that the rule of law does not exist if it is only applied when convenient. Human rights don't exist if they are applied to some humans and not others. This is

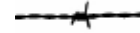
The U.S. will need to rely increasingly on coalitions to fight future wars. The potential allies we will want to fight alongside are repelled by our failure to comply with the Geneva Conventions.

not the time to waiver. Plato said, "Only the dead have seen the end of war." Indeed, this is not the worst war we have ever fought; it is just the present war. We don't need to torture prisoners in order to win it. In fact, torturing prisoners is precisely how we can lose it. We must remain true to ourselves and to the heritage earned by the blood, sweat, and dedication of Washington, Lincoln, and Eisenhower.

Let's be clear about one point: The most aggressive technique that we use is U.S. policy. If the CIA and contractors can undertake enhanced interrogations, that will be U.S. policy regardless of what limitations are imposed on the military. Let's not delude ourselves into thinking otherwise. We are all in this together.

When historians look back on the halcyon days of America, they will conclude that what made us great wasn't our economic dominance, but our resolute support of human rights and the rule of law. It's not an unblemished history, to be sure. We have been imperfect, but we have strived mightily. The next president must return us to those values, lest historians opine that it was in the early years of the twenty-first century that the greatest nation on earth made a fatal miscalculation and started on the path to becoming the next former world power.

John Hutson is a retired U.S. Navy rear admiral, attorney, and former judge advocate general of the Navy. He is the current dean and president of Franklin Pierce Law Center in New Hampshire.



CLAUDIA KENNEDY

There is a surreal quality to the discussion of torture in the United States. In a compelling survey of public opinion last summer by the American Security Project, 92 percent of Americans said they believe that the decline of America's moral authority in the world is a serious national security issue. But when other pollsters have asked whether the United States should use torture, respondents say they are in favor of it if it will produce useful information that prevents acts of terrorism.

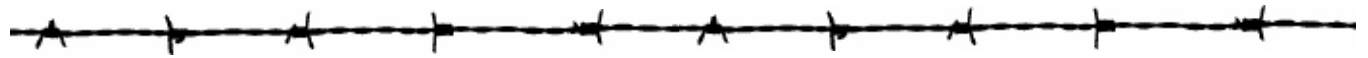
This suggests a moral disconnect, largely the result of misguided leadership from the White House. The president of the United States has redefined torture to allow for interrogation methods that were previously considered criminal. He has opened up a debate among Americans over whether the United States should use torture. Organizations from the UN to Amnesty International have regularly complained—justifiably—about the way America treats its detainees in the war on terror. In the battle for hearts and minds around the world, this is a devastating defeat.

As an officer in the United States Army, I saw firsthand that America was not just a great nation, but a good nation. We were able to protect our national security, and enhance it, by living up to the highest ethical standards. Torture was the purview of our enemies, not a tool to be reached for in desperate times.

In the struggle between good and evil, there is no neutral ground. Torture is evil, no matter who uses it. If we are to be a nation of laws and values again, we must reject the notion that the ends justify the means. To tolerate torture is to betray America's heritage in favor of the primitive impulse that might makes right. We are better than this. After World War II, we prosecuted Japanese officers who tortured American prisoners with the waterboard. Indeed, during the Spanish-American War, the United States prosecuted its own officers for torture, in this case the waterboarding of guerillas in the Philippines.

In keeping America safe, what we will do is important, but so is what we *won't* do. The public understands this, but Americans are also afraid. They need leaders who will help them to overcome such fear, not leaders who will prey on it. Our security depends on our ability to emerge from these dangerous times with our values intact and our moral authority restored. That will only happen when the next American president emphatically and unequivocally rejects the use of torture.

Lieutenant General Claudia Kennedy, U.S. Army (Ret.), was the first woman to achieve the rank of three-star general in the U.S. Army. She



served as the senior intelligence officer for U.S. Forces Command and as deputy commanding general for the Army Intelligence Center and School, and completed her Army career as the deputy chief of staff for intelligence. She is a member of the board of the American Security Project.



JOHN KERRY

Nothing has done more to undercut America's struggle against extremism than the Bush administration's squandering of our nation's good reputation. The torture, abuse, unlawful detention, and related un-American practices associated with Guantanamo, Abu Ghraib, and CIA interrogations at "black sites" have been as unwise as they have been unprincipled. Most of us can agree that sometimes, in the name of national security, it is necessary to make difficult ethical decisions to protect the American people. However, the administration's dan-

As the Army's own counterinsurgency manual written by General David Petraeus warns us, stories of prisoner mistreatment strengthen the enemy's resilience and recruiting efforts.

gerous and counterproductive choice to employ torture has severely weakened our ability to win the struggle against extremism. It has also wasted our greatest asset: our moral authority.

The Bush administration's policies amount to a unilateral surrender in the battle for hearts and minds in the Muslim world. Our use of torture has played directly into a central tenet of al-Qaeda's recruiting pitch: that everyday Muslims across the world have something to fear from the United States of America. From Morocco to Malaysia, people regularly hear stories of torture and suicide at Abu Ghraib, Guantanamo, and other overseas prisons. Many are false. But, shamefully, some are true.

The result has been a major blow to our credibility worldwide, particularly where we need it most: in the Muslim world. Pew survey research of ten countries found that in 2001, 58 percent of the people viewed America favorably; today, that number has slipped to 39 percent. Worse still, in

critical Muslim nations like Pakistan and Turkey, Pew found in 2007 that only 15 percent and 9 percent, respectively, had a positive view of the United States.

These figures matter on more than one level. First, popular outrage puts pressure on governments not to cooperate with the United States—therefore isolating the United States rather than isolating the extremists. (Even with strategic allies like Pakistan, our unpopularity constrains our ability to act.) Second, as the Army's own counterinsurgency manual written by General David Petraeus warns us, stories of prisoner mistreatment strengthen the enemy's resilience and recruiting efforts.

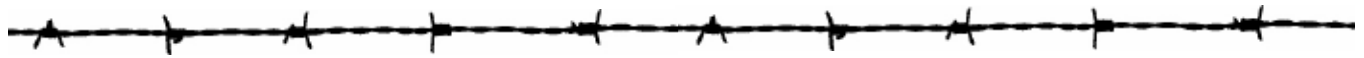
Yet still the White House insists on its right to use torture. And for what? President Bush's own experts have told him that not only does torture put our troops at risk and undermine our global image, it produces intelligence of questionable credibility. In fact, some of the most misleading prewar intelligence supposedly linking al-Qaeda and Saddam Hussein came from Ibn al-Shaykh al-Libi, who appears to have given testimony under "enhanced interrogation methods."

Meanwhile, once the prohibitions on torture are loosened, the practice spreads. The Pentagon used high-level Guantanamo detainees to test coercive interrogation techniques, but such techniques eventually found their way to low-level detainees at Abu Ghraib prison in Iraq. While images of Abu Ghraib have long faded from American minds and media, they remain fixtures, years later, across the Arab and Muslim world.

Just as it scars its victims, the use of techniques like waterboarding—invented in the Spanish Inquisition and prosecuted by the American government as a Japanese war crime after World War II—leaves its scars on a democratic society as well. Torture, which flourishes in the shadows, depends on lies—not just from those who seek to avoid torture, but from those who seek to conceal it. Four years ago, the president assured us that "we don't torture people in America, and people who make that claim just don't know anything about our country." Today we know that to have been untrue. Today, his new attorney general continues to engage in legalistic parsing of whether waterboarding amounts to torture.

Our next president will have to begin repairing the damage. That means an end to torture, an end to outsourcing torture, and an end to indefinite detentions. The first step in this process is to close Guantanamo—an enduring symbol to the rest of the world of a government set morally adrift after 9/11. For America to reclaim its historical leadership role, we must once again lead by example.

In short: we need to make America be America again. We must restore our moral authority and global leadership by deploying the full arsenal of our national power with smarter diplomacy, stronger alliances, more effective international institutions—and fidelity to the values we have always stood for as a nation. It is time for the United States



to again make clear what presidents from Harry Truman to Ronald Reagan knew for certain but this administration has preferred to muddle: on the issue of torture, there is no compromise. America must not weaken the values that make us strong.

John Kerry, Democratic senator for Massachusetts, was the Democratic Party's nominee for president in 2004. He is a member of the Senate Foreign Relations Committee and a member of the board of the American Security Project.



HAROLD HONGJU KOH

Eight years ago, as the assistant secretary of state for democracy, human rights, and labor, I testified to a United Nations committee in Geneva that the United States is “unalterably committed to a world without torture.” I continued: “Torture is prohibited by law throughout the United States. It is categorically denounced as a matter of policy and as a tool of state authority. In every instance, torture is a criminal offense. No official of the government—federal, state, or local, civilian or military—is authorized to commit or to instruct anyone else to commit torture. Nor may any official condone or tolerate torture in any form. No exceptional circumstances may be invoked as a justification for torture.”

That unequivocal statement was not asserted casually—it had been previously agreed to by dozens of government officials. None of us dreamed that within a decade, our government would openly practice torture and other forms of cruel, inhuman, or degrading treatment, and that many Americans would defend the policy.

Official cruelty has long been considered both illegal and abhorrent to our values and constitutional traditions. The commitment to due process and the ban against cruel and unusual punishment are legal principles of the highest significance in American life. There is no constitutional authority that licenses the president to authorize the torture and abuse of prisoners.

As a professor of law, I was therefore sickened by the Justice Department's August 2002 “torture opinion,” which concluded that U.S. officials can order the torture of suspected terrorists with impunity. I have worked in both Democratic and Republican administrations, including as an attorney in the office of the Justice Department that drafted that opinion. I understand the tremendous pressures that government lawyers labor under. Nevertheless, I considered this opinion to be a disgrace, not only to that office, but to the entire legal profession.

When the opinion was written, the governing policy was zero tolerance of torture. The new opinion essentially asked, “How close to the line can we come when abusing people?”

It narrowly defined torture as “[p]hysical pain ... equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death.” Such a definition would exonerate torture techniques used by Saddam Hussein's security services, including electric shocks administered to the genitals and burning with blowtorches.

The opinion undermined the basic human rights principles set forth at Nuremberg. It also twisted the U.S. ratification of an international treaty against torture and cruel, inhuman, or degrading treatment, somehow arriving at the conclusion that the agreement condoned such abuses. In effect, the opinion licensed the executive branch to commit future Abu Ghraibs by degrading and dehumanizing detainees in U.S. custody, regardless of whether they hold any information of value in the war against terror.

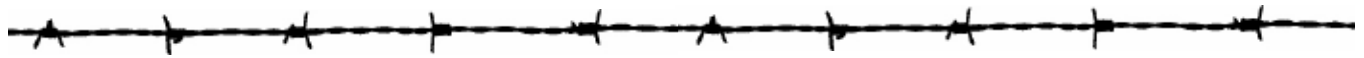
The administration withdrew the memo in 2004, and has since retreated from some of its most extreme legal assertions. However, despite these gestures, it has still not backed down from the claim that torture in the shadows

The Bush administration's definition of torture would exonerate techniques used by Saddam Hussein's security services, including electric shocks administered to the genitals and burning with blowtorches.

must remain an essential part of our antiterrorism policies. The Bush administration still argues that Congress has no power to regulate interrogation procedures, that past acts of waterboarding were legal, and that lawyers who object to the use of waterboarding are engaged in unpatriotic “lawfare.”

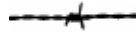
We should be careful, of course, to avoid being diverted by sideshows. Of the thirty-four detainees who have died in American custody since the war on terror, none have died from waterboarding. The administration has employed a number of other interrogation techniques that clearly violate domestic and international law, and that still have not been explicitly banned in the most recent legislation passed by Congress. Although pundits obsess about the fictional “ticking-time-bomb” scenario, experienced interrogators confirm that torture rarely succeeds in extracting the truth, particularly under time pressure, and only ends up degrading both the victim and the perpetrator.

America is a country founded on human rights. Human



rights define who we are as a nation and as a people. A ban against official cruelty is one of our most sacred values. If we condone it, we gain nothing, and lose our identity.

Harold Hongju Koh is the dean and the Gerard C. and Bernice Latrobe Smith Professor of International Law at Yale Law School. He previously served as an attorney in the Office of Legal Counsel, and as assistant secretary of state for democracy, human rights, and labor from 1998 to 2001.



CARL LEVIN

At the end of last year, a group of congressional staffers traveled to Saudi Arabia to meet with senior Saudi government officials. In two meetings, the staffers raised concerns about a case in which a Saudi rape victim was sentenced to three months in prison and ninety lashes and then had her sentence doubled to six months in prison and two hundred lashes after she spoke out publicly. In both instances, the Saudi officials responded by simply saying “Guantanamo” and “Abu Ghraib.” As if to say, “Who are you to lecture us about due process and human rights?”

When we fail to live up to the standards we profess, the rest of the world sees us very differently from how we would like. For many around the globe, the symbol of American values is no longer the Statue of Liberty; it is that horrific photograph of a hooded prisoner at Abu Ghraib, standing on a box, tethered to electric wires.

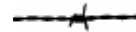
When the president of the United States says we are exempt from the Geneva Conventions and free to practice “enhanced interrogation techniques,” it is intolerable for many reasons: it is morally wrong and in violation of our basic values; it produces unreliable information and causes prisoners to resist cooperation; it violates domestic and international law; and it jeopardizes our own troops if they are captured.

Beyond all of those strong arguments, the specter of torture detracts from the undeniable rightness of our cause in the fight against terrorists. People at home and abroad are less likely to believe that a confession was freely given if we have abused detainees. Even with an admitted terrorist like Khalid Sheikh Mohammed, who confessed to masterminding 9/11, the world may focus more on how we treated him, rather than on what, by his own words, he did to us. It is essential for our security that we and the world focus on understanding what Khalid Sheikh Mohammed did, what he would do next if he could, what produces and motivates the terrorists of the world, and what methods and capabilities they have and use. That focus gets blurred when credible allegations of a policy of torture get thrown into the mix.

People we need as friends and allies are less likely to be forthcoming if our image as a beacon of human rights and human liberty is tarnished. One person halfway around the world overhearing a terrorist plotting an attack against us can prevent the mass murder of our citizens if he reports it. But that citizen in some foreign land may not report the threat against us if he views us as arrogant and hypocritical.

Simply put, we need the understanding and goodwill of the world for our own security. That’s not mushy-headed intellectualism; it’s hard-headed pragmatism. I try to visit regularly with our veterans at VA hospitals in Michigan. Last year, I had a conversation with a veteran who was lying in his bed. I asked him, “What can we do to help you?” He responded: “Win back the respect of people around the world for America.” That veteran understands that the erosion of support for America weakens us in a way that military force cannot remedy. For the sake of the security of our nation, we must win back that respect and make America a beacon once again for human rights and human liberty around the world.

Carl Levin is a Democratic senator from Michigan and the chairman of the U.S. Senate Committee on Armed Services.



RICHARD LUGAR

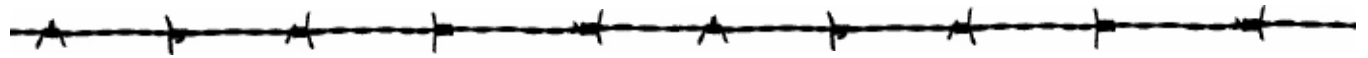
The Military Commissions Act, which became law in 2006, reaffirms U.S. commitments under Common Article 3 of the Geneva Conventions, prohibiting any person in the custody or control of the United States, regardless

No nation is more closely associated with a set of founding precepts than the United States, and no nation is judged more meticulously according to its own articulated values.

of nationality or physical location, from being subject to cruel, inhuman, or degrading treatment or punishment.

I believe it is vital for the protection of our troops in the field and our moral authority in the world that we continue to uphold a policy against torture.

We owe our military service members clear guidance on appropriate treatment and interrogation of detainees. Recent

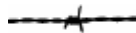


public debates over what constitutes torture have often revolved around such hypothetical questions as what the United States should do with a prisoner known to be a terrorist and who we believe has knowledge of an impending attack. Such hypothetical circumstances can be compelling in the abstract. But as a matter of national policy, we must not condone, rationalize, or practice torture or anything that resembles it.

Fundamental moral principles do apply to nations, and they must be a central element of U.S. foreign policy. No nation is more closely associated with a set of founding moral precepts than the United States, and no nation is judged more meticulously according to its own articulated values. Some advocates of a rationalist foreign policy would say that jettisoning the American moral identity would be a good thing, arguing that we could more easily exert power if we did not feel compelled to concern ourselves with debate over ethical inconsistencies, or worry that foreign nations would accuse us of hypocrisy when our actions do not live up to our historic moral values. However, this thinking is misguided. It is true that American moral traditions impose some constraints in some situations. But I believe that, ultimately, this moral identity is a source of international power that we should not relinquish.

Exercising authority in the present age requires allies and the ability to build coalitions. It is far easier to do that if the United States maintains the respect that derives from our moral traditions.

Richard Lugar, a Republican from Indiana, is the ranking minority member of the U.S. Senate Foreign Relations Committee.



LEON E. PANETTA

According to the latest polls, two-thirds of the American public believes that torturing suspected terrorists to gain important information is justified in some circumstances. How did we transform from champions of human dignity and individual rights into a nation of armchair torturers? One word: fear.

Fear is blinding, hateful, and vengeful. It makes the end justify the means. And why not? If torture can stop the next terrorist attack, the next suicide bomber, then what's wrong with a little waterboarding or electric shock?

The simple answer is the rule of law. Our Constitution defines the rules that guide our nation. It was drafted by those who looked around the world of the eighteenth century and saw persecution, torture, and other crimes against humanity and believed that America could be better than that. This new nation would recognize that every individual has an inherent right to personal dignity, to justice, to freedom from cruel and unusual punishment.

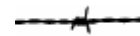
We have preached these values to the world. We have

made clear that there are certain lines Americans will not cross because we respect the dignity of every human being. That pledge was written into the oath of office given to every president, "to preserve, protect, and defend the Constitution." It's what is supposed to make our leaders different from every tyrant, dictator, or despot. We are sworn to govern by the rule of law, not by brute force.

We cannot simply suspend these beliefs 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.

Leon E. Panetta is a former congressman and White House chief of staff. He currently directs the Panetta Institute for Public Policy.



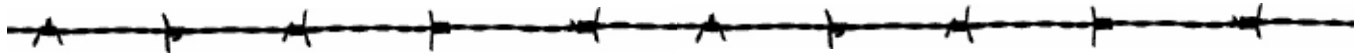
NANCY PELOSI

The use of torture violates fundamental American values. It damages the reputation of the United States in the eyes of the international community, and it increases the risks for our military personnel, diplomatic officers, and intelligence agents around the world. Many intelligence professionals have stated that torture is ineffective: it is unlikely to produce the kind of timely and reliable information needed to disrupt terrorist plots. The negative consequences of the use of torture far outweigh the supposed benefits.

For decades, the United States used the Geneva Conventions as the standard for the treatment of captives, and we regularly condemned conditions and practices not in accord with the Conventions. Now, Bush administration officials have admitted that the United States has used waterboarding on at least three suspected terrorists, while refusing to define which interrogation methods would constitute torture.

To uphold American values and to underscore our belief that torture is wrong, the House of Representatives in December voted to expand the current prohibition against torture so that it applies not only to the Department of Defense but to all U.S. government personnel. America is on stronger ground ethically, morally, and practically when our practices for holding and interrogating captives are consistent with the Geneva Conventions—when we don't torture. The next president should make the return to that standard our highest priority.

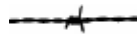
Nancy Pelosi is the speaker of the U.S. House of Representatives.



WILLIAM J. PERRY

Torturing prisoners, whatever short-term benefits it might produce, comes at the cost of two huge long-term liabilities: it undermines our ability to negotiate with other nations from a position of moral strength, and it increases the risk that American prisoners, military and civilian, will be subjected to torture. The United States should return to its traditional rules for treatment of prisoners.

William J. Perry was the nineteenth U.S. secretary of defense.



PAUL R. PILLAR

The immediate, specific results of torture are easier to discern—and thus tend to receive more attention—than the consequences that are remote, inchoate, and immeasurable. Our fear of terrorism, like any other kind of fear, exacerbates this narrowing of cognition. We dwell on hypothetical bits of critical information that we hope will save lives if they can be extracted from hardened terrorists.

But the inchoate and immeasurable may be more important than the immediate and specific. The prisoner who knows the location of a ticking time bomb may be a good hypothetical scenario for classroom discussions of counterterrorist ethics, but I find it hard to think of any real-world cases that this scenario resembles. We are told that “enhanced interrogation techniques” have yielded other forms of useful counterterrorist information. We are not told, however, about the effect the awareness of our use of torture may have on the attitudes of foreign publics and foreign governments. Those attitudes are important, even if our perspective does not extend beyond counterterrorism, for they help to determine how many people will attempt terrorist attacks against the United States and how much help the United States will receive in thwarting those attacks.

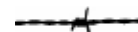
Over the last few years, the terrorist threat has become less a problem of a single determined group such as al-Qaeda than a problem of the spread of extremist and anti-American sentiment. Future terrorist attacks will come from individuals, cells, and groups that emerge from that poisonous sentiment. Information extracted from prisoners may have some effect on how many Americans die from terrorism over the next few years, but the broader attitudes of foreigners, especially Muslims, toward the United States—and toward the use of force and violence in pursuing their goals—are apt to have far more impact.

These considerations alone argue against the use of torture. The argument becomes still stronger after one ponders two other questions. One is whether torture is effective in producing accurate and useful information, and to what extent the good information is offset or even outweighed by bad information a prisoner may offer to end the pain. Sometimes information can be checked to determine whether it is good or bad. Sometimes it cannot, or it can cause damage before its veracity can be determined. A case worth considering is that of Ibn al-Shaykh al-Libi, the Islamist who, after being captured following the U.S. intervention in Afghanistan, made disjointed assertions that Iraq was training his fellow extremists in chemical and biological weapons. The Bush administration seized upon these allegations in making its case to invade Iraq. However, a year after the Iraq War began, al-Libi recanted his assertions and said he had made them while being abused by his interrogators.

The other question—and this is where we need to broaden our perspective further—is what effect torture has on other American interests besides counterterrorism. Important though the fight against terrorism may be, it is far from our only interest. We have many other foreign policy objectives. It is hard to imagine how an image of the United States that includes the practice of torture would further any of those objectives. It is much easier to imagine ways in which it would hurt, particularly by increasing the moral distaste, or at least the political cost, to other governments contemplating cooperation with Washington.

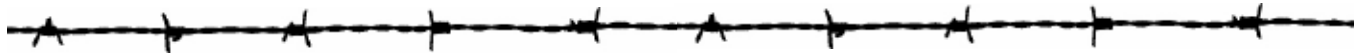
Last, but certainly not least, we must consider our own values as Americans. Terrorism—in the fullest and most literal meaning of the word—entails not just physical attacks but the imposition of a state of fear. In the same way, conquering terrorism involves not just preventing attacks and therefore saving lives, but protecting the quality of the lives that are saved. An important part of what is most admirable and valuable about American life is that we have eschewed practices—like torture—that resemble those used by America’s foes, including the tyrannies that America has opposed in the past and the terrorists that it confronts today.

Paul R. Pillar served for twenty-eight years in the U.S. intelligence community, including as deputy chief of the Counterterrorist Center at the Central Intelligence Agency. He retired in 2005.



TIM ROEMER

As a member of the 9/11 Commission, I listened to hundreds of briefings and dozens of testimonies and read thousands of documents detailing the intricacies of the terrorist attacks that occurred on September 11, 2001.



Witnesses, intelligence experts, and officials from Democratic and Republican administrations identified mistakes and missed opportunities that could have helped disrupt the plot. In all that time, no one suggested to me that if only we had tortured someone, we could have prevented 9/11. And for good reason: torture would not have spared the life of a single one of the 3,000 people killed that day.

Since then, some people have come forth—that so few do so publicly is telling—to argue that the United States should adopt torture as a policy instrument in order to prevent a recurrence of what torture could not have prevented in the first place.

In its modern incarnation, torture, as well as cruel, inhuman, and degrading interrogation tactics, has failed to grant its practitioners decisive advantage. While fighting the IRA in the 1970s, the British abandoned their use of coercive interrogation practices and have since managed to achieve a lasting peace in Northern Ireland. France's use of torture in Algeria failed to defeat the National Liberation Front; indeed, it helped turn the Algerian public against France's colonial presence.

More recently, the Bush administration has declared that the use of "harsh interrogation techniques" has elicited actionable and accurate intelligence. The experience of Ibn al-Shaykh al-Libi, a captured al-Qaeda leader reported-

Ultimately, we cannot torture our way out of terrorism, but we can certainly torture our way into more of it.

ly tortured into confessing knowledge of Iraqi WMD, suggests otherwise.

Those who argue in favor of torture usually do so in the scenario of a single suspect with knowledge of a "ticking time bomb." This hypothetical never addresses how torture would have to work in the real world, or how we would defuse the next bomb after America is revealed as a practitioner of torture.

For instance, in August 2006, British intelligence thwarted a plot in which terrorists planned to smuggle liquid explosives on board transatlantic airliners in order to blow up the planes. Why did this plan fail? A member of Britain's Muslim community became suspicious of the activities of an acquaintance. Anxious to avoid a repeat of the horrors of the July 7 London subway bombings, he alerted the police, and a British intelligence agent was able to infiltrate the group. Torture, by contrast, keeps the next critical intelligence source at home, putting American citizens in danger.

Ultimately, we cannot torture our way out of terrorism,

but we certainly can torture our way into more of it. Torture trades the illusory promise of short-term gain for the near certainty of eventual loss. It tries to convince us that we can defeat terrorists on the cheap by avoiding the long, hard work that counterterrorism entails. The Army's Field Manual on counterinsurgency tells us that this work comprises building a government's legitimacy and denying terrorist and insurgent groups like al-Qaeda the political oxygen they need to survive. Very few things could be more toxic to our legitimacy than the image of the world's greatest democracy practicing one of the world's oldest evils.

America is more than capable of defeating al-Qaeda. How we choose to do that makes all the difference, both in this fight and the battles to come.

Tim Roemer was a member of the National Commission on Terrorist Attacks Upon the United States. From 1991 to 2003, he was a member of the House of Representatives, where he served on the Permanent Select Committee on Intelligence. He is now the president of the Center for National Policy.

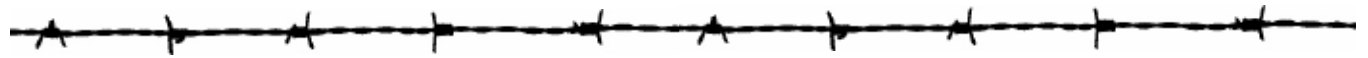


JOHN SHATTUCK

There's a yawning gap today between the values professed around the world by the United States and our real-time actions. Promoting democracy and human rights and using torture during the interrogation of prisoners do not go together. In his book *Soft Power: The Means to Success in World Politics*, Joseph Nye reminds us that a nation's power derives from "the attractiveness of its culture, political ideals, and policies. When its policies are seen as legitimate in the eyes of others, a nation's soft power is enhanced." The converse also applies. Today, American culture, political ideals, and policies are losing their global appeal in part because of what the United States has done to human rights in the war on terror.

The Bush administration has flaunted basic requirements of human rights law. These include the Convention Against Torture, the Geneva Conventions, and the International Covenant on Civil and Political Rights. The result has been the creation of a law-free zone in which foreign detainees in U.S. custody overseas have been brutally abused; thousands of foreign citizens have been held indefinitely as "unlawful combatants" without being treated as prisoners of war; and repressive regimes around the world have been given a green light to crack down on political dissidents and religious and ethnic minorities in the name of fighting terrorism. These actions have contributed to what a Pew Institute international opinion survey reported in June 2007 is "a global crisis in confidence over the US handling of world affairs ... most apparent among Muslims in the Middle East."

The Bush administration's disregard for international law in

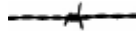


its policies on terrorism is perhaps best exemplified by a 2002 memorandum prepared by then White House Counsel Alberto Gonzales. The memorandum stated that “terrorism renders obsolete the Geneva Conventions’ strict limitations on the questioning of prisoners.” No recent president has questioned the rules of international humanitarian law in times of war. The administrations of Lyndon Johnson, Richard Nixon, and Gerald Ford during the Vietnam War, and George H. W. Bush during the Gulf War, all adhered to the Geneva requirements. They understood the danger of abandoning the high ground. As another 2002 memorandum, by then Secretary of State Colin Powell, pointed out, jettisoning the Geneva Conventions would “reverse over a century of US policy and practice, undermine the protections of the law for our troops, and provoke negative international reaction, with immediate adverse consequences for the conduct of our foreign policy.”

Repairing the damage to American values and moral authority around the world must be a top priority of the next president. The United States should announce that it will close the detention center at Guantanamo and transfer detainees to the United States or their home countries for trial or release. It should also make clear that it is bound by the Geneva Conventions as a matter of law. Reestablishing a policy of providing individualized status hearings to detainees would demonstrate a respect for international norms.

None of this would prevent the government from conducting lawful interrogations of suspected terrorists. Nor would it prevent it from trying detainees in military commissions if there is evidence that they have participated in war crimes or crimes against humanity. But it would recommit the United States to a national security policy conducted within a framework of human rights and the rule of law, and it would allow the next president to begin to restore America’s soft power in the world. It’s an effort that’s dangerously overdue.

John Shattuck, a former assistant secretary of state for democracy, human rights, and labor and U.S. ambassador to the Czech Republic, is CEO of the John F. Kennedy Library Foundation.



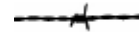
ANNE-MARIE SLAUGHTER

Torture is wrong because it rarely works. Torture is wrong because the damage it does to us in the world far outweighs the specific information we get. Even if we get information that actually succeeds in stopping a particular attack today, we often breed legions of new terrorists tomorrow. Torture is wrong because we endanger our own soldiers when they are captured abroad, which explains why so many of our leading military officers have consistently been among the strongest advocates of adherence to international treaties

prohibiting torture and cruel and degrading treatment. Torture is wrong because we degrade not only the victims, but also ourselves, beginning with the young men and women ordered to carry out such treatment. When an army captain named Ian Fishback wrote to Senator John McCain begging for clear interrogation rules, he recalled that as a cadet at West Point he had resolved “to ensure that my men would never commit a dishonorable act; that I would protect them from that type of burden.”

I can make all these arguments. I believe them. But what I really want is an America that will simply stand up and say, as President Bush did when he saw the Abu Ghraib photographs, that this is not who we are. That America is an idea more than a place, an idea that cannot coexist with the use of force by an all-powerful state to break a human spirit. That the men and women who fought to establish and defend that idea across the generations believed that our values were more important than life itself. If we cannot take that stand, then we are not the country I thought I knew.

Anne-Marie Slaughter is the dean of the Woodrow Wilson School of Public and International Affairs at Princeton University. She is the author of *The Idea That Is America: Keeping Faith and Our Values in a Dangerous World*.



THEODORE C. SORENSEN

Any torture of enemy captives by U.S. military personnel or contractors:

1. is a violation of the United States Constitution, federal criminal statutes, and international law, and subject to the severest criminal penalty, even if done under orders from a superior;
2. is contrary to the precepts of every major religion and moral code;
3. has been repudiated by all knowledgeable law enforcement agencies and experts as an investigative tool wholly unproductive and unreliable, inasmuch as torture victims will say anything, usually unverifiable, including spontaneous falsehoods, in order to stop the torture and preserve their lives;
4. is increasing the likelihood that any captured or kidnapped U.S. personnel, whether military or civilian, will be subjected to torture from their captors; and
5. is evidence of a sick mind and an uncivilized chain of command.

Theodore C. Sorensen is former special counsel to President John F. Kennedy.

WILLIAM H. TAFT IV

When the subject is torture, opera fans like me think of Puccini's *Tosca*, in which the hero, Cavaradossi, is tortured for refusing to reveal the hiding place of a colleague. Nearby is Tosca, Cavaradossi's lover, who is horrified by Cavaradossi's screams of agony and divulges the secret he is trying to keep. Things get worse. When Scarpia, the torturer, tries to rape Tosca, she kills him. Finally, Cavaradossi is executed, and Tosca commits suicide, vowing to avenge herself on Scarpia in the next world.

Tosca says it all. Torture can have fatal consequences for everyone involved in it. Victims of torture often harbor dreams of revenge, unable to forgive someone who has not only hurt them but also robbed them of human dignity. Attempted rape is commonplace among torturers, whose stock in trade is the abuse of power over others and a freedom to indulge in sadism. Normally nonviolent people who would never think of hurting others and have no interest in politics—"Vissi d'arte, vissi d'amore ..."—can, when confronted with torture, be driven to kill in order to protect or avenge themselves and those they love.

Puccini's opera is a sublime piece of music. It's also a timeless reminder of the price that is paid for what some call enhanced interrogation.

William H. Taft IV served as general counsel and deputy secretary of defense in the Reagan administration, and as the chief legal adviser to Secretary of State Colin Powell from 2001 to 2004.

THOMAS G. WENSKI

In my years of working to help refugees, immigrants, and other people in need, I have learned how cruelty is often inflicted on the most vulnerable. I want to give voice to their suffering and speak out against torture. Torture is abhorrent in the eyes of the Church as it undermines and debases the human dignity of both victims and perpetrators. It is never a necessary cruelty. Pope Benedict XVI, in a September 6, 2007, address, said, "I reiterate that the prohibition against torture cannot be contravened under any circumstances."

As chairman of the Committee on International Justice and Peace of the United States Conference of Catholic Bishops, I have written several letters to Congress urging passage of legislation to prohibit torture as an interrogation technique. In 2005, our Conference of Bishops was successful in encouraging Congress to adopt provisions prescribing uniform standards for interrogating detainees held by

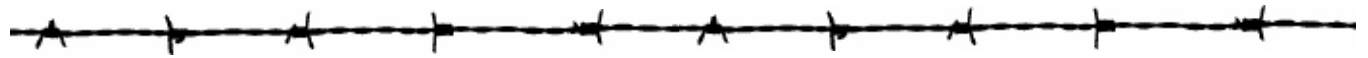
WAM 1260
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STEPHANIE MILLER
9-Noon

ED SCHULTZ
12-3pm

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the Department of Defense and prohibiting cruel, inhuman, and degrading treatment. When Congress adopted these provisions, we hoped the United States would regain the moral high ground on the question of how we should treat detainees. However, legislation that would expand this ban on torture to other agencies and agents of the U.S. government is still hotly debated and has yet to be signed into law.

This issue has a major impact on the way the United States is viewed abroad. I believe the United States must insist upon the highest ethical standards and fully comply with earlier commitments to observe international law in its treatment of detainees, whether here in the United States or abroad.

The United States has a history of championing human rights and has long supported Common Article 3 of the Geneva Conventions, which prohibits “cruel treatment and torture” as well as “outrages upon personal dignity, in particular humiliating and degrading treatment.” Our own troops and citizens benefit from such protections. As the U.S. combats terrorism, we must recognize that any report of prisoner mistreatment by the United States or its allies could seriously undermine these efforts.

More importantly, prisoner mistreatment compromises human dignity. A respect for the dignity of every person, ally or enemy, is essential to security, justice, and peace. There can be no compromise on the moral imperative to protect the basic human rights of any individual incarcerated. Our nation must not embrace a morality based on an attitude that “desperate times call for desperate measures” or “the end justifies the means.” As the Golden Rule teaches, our nation must treat its prisoners as we would expect enemies to treat our own military personnel or citizens.

In the end, the issue of torture is about us, not them; it is about who we are as a people. It is strategically wise to treat detainees humanely. It is also morally urgent.

Thomas G. Wenski is the bishop of Orlando and chairman of the Committee on International Justice and Peace, U.S. Conference of Catholic Bishops.



LAWRENCE B. WILKERSON

Between 2002 and 2005, I was chief of staff to Secretary of State Colin Powell. During that time (which included the invasion of Iraq), I learned that America’s armed forces were involved in practices that violated the Geneva Conventions, the International Convention Against Torture, U.S. domestic law, and the written and unwritten moral code of the American soldier. Simply put, American fighting men and women were abusing detainees. I later learned that they were doing so on the basis of

policies being set by senior members of the Bush administration. As someone who had spent thirty-one years in the Army, I was appalled. Not only was my beloved Army being corrupted, but U.S. prestige and power were being diminished across the globe.

In 1999, the Israeli Supreme Court, deliberating on torture and abuse, wrote that even though a “democracy must often fight with one hand tied behind its back, it nonetheless has the upper hand.” Today, America has lost that upper hand, and the strategic repercussions are momentous.

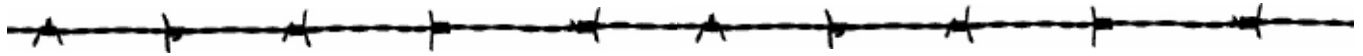
In capitals around the world, America’s voice no longer resonates powerfully in the name of human rights and dignity. We have corrupted that voice, perhaps irreparably. We have handed the people who wish us harm an invaluable recruiting tool. To visit a Web site created by radical jihadists is to understand that their most powerful advertisements are the prison at Guantanamo Bay, the photographs from Abu Ghraib, and the presence of U.S. combat forces in Iraq. If the surest way to defeat terrorists is to dry up the support they have from within the Muslim community, then we are taking the surest path to doing the opposite.

Yes, our enemies often treat those Americans whom they capture far worse than we treat them. That is indisputable; that is one reason they are our enemies. It does not matter that they do not live up to their obligations; it only mat-

Torture and abuse are not American. They are foreign to us and always should be. We need to exorcise them from our souls and make amends.

ters that we do. This is what we did in both Korea and Vietnam, even though the North Koreans and the North Vietnamese paid little heed to the laws of war. If we don’t follow the rules, we have weaker legal grounds on which to demand that our own soldiers be treated fairly, or that reparations be made, or that simple justice prevail. And, from a purely moral point of view, we cannot live with ourselves if we do not live up to our values.

To fight well, American soldiers require a just cause, plain objectives, and clear rules. Those rules are especially important because any army has people who fail to meet its standards or who lack restraint and judgment. Rules must be strictly enforced, and violations must be punished. That’s why tossing out the rules after 2001 was so perilous. When American soldiers were given ambiguous orders and directives that implicitly condoned—and even encouraged—the blurring or breaking of normal boundaries, abuses were inevitable. I should note that many soldiers refused to partici-

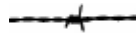


pate in the abuse of detainees, even in the face of pressure from superiors, and from that I take heart. While their resistance should be honored, however, it should never have been necessary.

The French like to say that during World War II all of France could hear the screams from those tortured within the Gestapo's headquarters in Paris on the rue Lauriston. Those who heard those screams undoubtedly found consolation in the thought that the German invaders would be expelled and that Frenchmen would never engage in such abuses. But they would. In the war in Algeria, the French resorted to torture—and for decades France struggled with its soul as the worst horrors of that war were revealed.

The worst horrors of our war have yet to be revealed—but they will be. Secret prisons, renditions, homicides, torture, and innocents swept up in a vast network of detention—all will be revealed. It is the nature of our openness that it be so. We must start now to recognize our crimes and our complicity. We are all guilty, and we must all take action in whatever way we can. Torture and abuse are not American. They are foreign to us and always should be. We need to exorcise them from our souls and make amends.

Colonel Lawrence B. Wilkerson, U.S. Army (Ret.), was chief of staff to Secretary of State Colin Powell from 2002 to 2005. He is now the Pamela Harriman Visiting Professor of Government and Public Policy at the College of William and Mary.



STEPHEN N. XENAKIS

In late 2002 and early 2003, Mohammed al-Qahtani, more commonly known as the “twentieth hijacker,” underwent a series of interrogations at Guantanamo Bay, Cuba. According to interrogation logs obtained by *Time* magazine, al-Qahtani was questioned for eighteen to twenty hours each day, for forty-eight days. He was threatened with dogs, exposed to sweltering heat and icy cold, placed in “stress positions,” prevented from sleeping for several consecutive days at a time, stripped naked and humiliated by female interrogators. At one point, his temperature fell to a potentially fatal ninety-five degrees. On another, his heartbeat dropped to thirty-five beats per minute (a normal resting heartbeat is sixty to one hundred beats per minute).

On these occasions, a doctor treated al-Qahtani in order to return him to his interrogators. Once, while Qahtani was being treated by doctors for hypothermia, loud music was played to prevent him from sleeping. And when interrogators were having difficulty breaking Qahtani down, they sought to humiliate him further. A medical corpsman injected him with three and a half bags of intravenous fluid. Qahtani was refused permission to go to the bathroom and urinated in his pants.

The participation of doctors and military medical officers in these activities was a clear violation of the basic code of medical ethics to “first do no harm.” The roles and responsibilities of military medical officers conform to ethics and principles that have been widely recognized across national boundaries and military engagements. Medical officers are expected to stand up for these professional principles at all times, and treat all soldiers, even the enemy captured in combat, with dignity and humanity. The American Medical Association has issued ethical guidelines stating that physicians should not conduct, monitor, or directly participate in the interrogation of prisoners or detainees, and are required to report coercive interrogations to authorities.

It is troubling enough that the military physicians have been put in a position that compromises their fundamental ethics. Yet there is an even greater danger to our national security when physicians are used as agents of pain and harm. When doctors are implicated in cruel, inhuman, and degrading treatment, then the credibility of our military and our nation suffers across the globe. The assertion that physicians are participating in torture unravels any argument that America is acting on high moral principles.

Although military doctors serve alongside soldiers and interrogators in our armed forces, their roles and responsibilities are not the same. Soldiers are trained to kill, interrogators to extract information. Doctors are different; they hold a special place in the hearts of people throughout the world because of the powers their training gives them to relieve suffering. The idea that military doctors would use those skills and techniques to inflict pain, or to aid those who cause suffering, is shocking. By putting physicians in that position, our government has sent a horrible message to the world.

Until now, perhaps the most well-known image of the American military doctor was Hawkeye Pierce of *M.A.S.H.*, who protected his patients from dubious orders from his superiors, even when his patients were enemy soldiers. Now, the world's impression of the American military doctor is something quite different. The International Committee of the Red Cross has accused American military physicians of participating in actions that are “tantamount to torture.” Al Jazeera and the BBC have reported extensively on the role that physicians have played in the abuse of detainees.

Military commanders have long recognized that torture and cruelty undermine and endanger our service members. Our troops in Baghdad face danger every day as they combat an aggressive insurgency. The legitimacy of their mission is degraded by the slightest hint of impropriety. It is hard to imagine anything more damaging than reports that American physicians have been implicated in brutality toward prisoners. The practice of torture and abuse must end, in order to preserve the honor of our physicians and our country.

Stephen N. Xenakis, MD, is a retired brigadier general in the U.S. Army.