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## Trump and Torture

*From the print edition of The New American*

The torture of suspected terrorists is a highly controversial and hotly contested topic. It was used at various interrogation sites and detention camps — including Guantánamo Bay — in the early part of the “War on Terror” following the attacks of 9/11. In March 2008, President George W. Bush vetoed a bill that would have outlawed the various torture tactics used by U.S. authorities by only allowing “those interrogation techniques explicitly authorized by the 2006 Army Field Manual.” In fact, Bush — who had signed the executive order to allow the practices in the first place — told BBC that he was considering exempting the CIA from the portion of the Geneva Conventions that establish the standards for humane treatment during war.



Torture was officially halted by an executive order signed by President Obama in 2009 and then banned by Congress through a law signed by Obama in 2015.

Against that backdrop, President Trump has stated that he believes torture is both effective and justifiable. His remarks were made less than a week after he became president. In an interview with ABC News on January 25, 2017, he said that where terrorism is concerned, America needs to “fight fire with fire” and that he wants to bring back torture because it “absolutely” “works.”

That wasn’t the first time Trump said that, either. In November 2015 — when he was the leading Republican candidate, Trump appeared on *This Week With George Stephanopoulos*, saying he “would absolutely bring back interrogation and strong interrogation,” including waterboarding. “You know, they don’t use waterboarding over there; they use chopping off people’s heads,” he said. “I would bring it back. I think waterboarding is peanuts compared to what they’d do to us.”

The issue is far from academic: As President Trump’s choice to head the CIA, Gina Haspel, prepares to face confirmation, this is a pivotal issue — and with good reason. In 2002, Haspel, who is slated to be the first female director of the CIA, was placed in charge of what is believed to be the agency’s first overseas detention site. That site, in Thailand, was known as a place where “enhanced interrogation” (a naked euphemism for torture) — including waterboarding — was a common occurrence.

The controversy over torture, brought back to the forefront by Haspel’s nomination, is not new.

During the early debates of the presidential primary cycle in 2011, Dr. Ron Paul said, “It’s really un-American to accept, on principle, that we will torture people that we capture.” Paul was like a voice



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crying in the wilderness; other Republican candidates praised the practice of torture — even while blurring the lines defining what *is* and *is not* torture. Herman Cain, for instance, said of waterboarding, “I don’t see it as torture. I see it as an enhanced interrogation technique.” Michele Bachmann called it a “very effective” method of getting information from prisoners and said that it should be renewed.

Apparently, neither Cain nor Bachmann (nor Trump, for that matter) ever took the time to study this issue in any depth. If they had, they would likely have been aware of the data and the statements made by experts that refute their claims.

The issue comes down to two questions: Does torture work? And is it morally justifiable? In fact, an incorrect answer to that first question is usually used as a starting place for an incorrect answer to the second. The reasoning of those who advocate for torture seems to go something like this: “Enhanced interrogation provides intelligence we would not otherwise be able to get, so it’s justified.” Let’s set that aside for the moment (this writer will demonstrate later in this article that the argument that torture “works” is flawed). The point here is that a moral compass that is guided by pragmatism is no moral compass at all. That thinking has historically led to the erroneous conclusions that might makes right and the ends justify the means.

As Robert Welch — founder of this magazine’s parent organization, The John Birch Society — was fond of quoting, “Morality, when vigorously alive, sees farther than intellect.” The quote is from the work *Short Studies on Great Subjects* by James Anthony Froude and illustrates the salient point that morality — being a higher form of consciousness — should guide the intellect, not the other way around.

## Does Torture Work?

As to the question of the efficacy of torture, the facts speak much louder than the rhetoric. The experts who have addressed the subject say that torture, as a means of gaining intelligence, doesn’t work. Period.

For instance, former CIA officer Bob Baer, who was primarily assigned to areas in the Middle East, said torture is “bad interrogation,” adding, “I mean you can get anyone to confess to anything if the torture’s bad enough.” Baer’s observations are in line with human nature: Torturing people may make them speak, but it will not make them necessarily speak the truth.

Baer’s observations are also backed up by empirical data. A study published in 2016 and based on documents leaked by Private Bradley Manning to WikiLeaks in 2010 shows that intelligence gathering at Guantánamo Bay — the poster child for “enhanced interrogation” — is “ineffective.” The study, authored by Emanuel Deutschmann and entitled “Between Collaboration and Disobedience: The Behavior of the Guantánamo Detainees and Its Consequences,” shows that the torture practiced at “Gitmo” actually obtains less useful intelligence. Most of what has been gathered there since the detention center’s grand opening in January 2002 is either worthless or worse: disinformation.

*Photo: AP Images*

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The study “examines the behavior” of “765 detainees” and looks at the areas of “collaboration and disobedience and how [the behavior of the detainees in these areas] influences their chances of getting a release recommendation.” The findings are evidence of the failure of torture as an effective means of



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gathering intelligence.

Keep in mind that this study was not based on public-relations talking points provided by torture advocates; it was based on leaked classified documents that the American people were never intended to see. This report gets past the hype and the lies and looks at the raw data. This is truth.

As Deutschmann says in his analysis of the report:

For 84 percent of the detainees, the single explicit reason for transfer to Guantánamo was “to provide information.” About 7 percent of the detainees were brought to Guantánamo because of an alleged affiliation with Al-Qaeda or similar incriminating circumstances. In 2 percent of the cases, the reason was an alleged affiliation with Al-Qaeda and the provision of information. Only 12 detainees (less than 2 percent) were transported to Guantánamo “to face prosecution for terrorist activities against the US.”

With such a high percentage of detainees imprisoned at Guantánamo for the single purpose of providing information, it could reasonably be expected that such information could and would be obtained. Instead, the opposite is true.

Since “by revealing information, detainees don’t improve their own chances of getting release recommendations” but they do “impair [the chance of release] of the detainees they implicate,” most detainees simply make false claims against detainees from other nations with whom they do not share cultural, religious, or philosophical similarities. Those detainees make false accusations in return. The end result is a worthless pile of disinformation.

The study also shows that “most prisoners don’t make incriminating statements despite the fact that they were expected to have information and connections to terrorist groups and notwithstanding the fact that US interrogators admittedly used torture to make people talk at Guantánamo.”

Let that sink in: With 84 percent of the detainees at Guantánamo there for the single purpose of providing intelligence and with torture having been used to extract that intelligence, “most prisoners don’t make incriminating statements.” The best word to describe this barbaric experiment is “failure.”

Deutschmann concludes his analysis with a statement that should be obvious by now:

Thus, the current plans of Republican presidential candidates to send new suspected “terrorists” to Guantánamo “to find out everything they know” is unrealistic and misleading. Guantánamo and its selection and interrogation methods have not only cost American taxpayers millions of dollars and seriously harmed America’s moral reputation in the world; they have also proven to be quite ineffective with regards to intelligence-gathering. It is time to finally close Guantánamo down.

Furthermore, even the Senate Intelligence Committee agrees that torture does not work. In 2014, the committee published a report on the CIA’s program of detention and “enhanced interrogation.” That 525-page report (which was merely a summary of a 6,700-page classified document) concluded that “the use of the CIA’s enhanced interrogation techniques was not an effective means of obtaining accurate information or gaining detainee cooperation.”

### **Messing With Morals**

So, no, torture does not work. But even if it did, would it be morally justifiable? The root of that question is, “Is torture moral?” Because if it is not moral, it is not morally justifiable. The idea of doing



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the wrong thing for the right reason is the stuff of excuses and situational ethics — long decried by conservatives in every other area. Consistency would dictate that if torture is immoral, the defense of it should be denounced by all who call themselves conservative.

The answer to the question should not be difficult for those who hold to basic Judeo-Christian morality. Jesus said, “Do unto others as you would have them do unto you,” not “Do unto others as they have done” or “Do unto others before they can do unto you.”

Perhaps the story of one of the detainees routinely tortured at the Thailand site mentioned earlier will help to illustrate. (For the sake of accuracy, this writer emphasizes that Haspel was in charge of that site after the events described below took place. While she was not personally involved, she did later author a memo ordering the videotapes of these events destroyed to keep Congress from seeing them. She was later cleared of any wrongdoing for writing the memo, which was ordered by her boss, then-CIA deputy director Mike Morell. This writer finds that too much like the “I was only following orders” defense of too many war criminals.)

One of the detainees routinely tortured at the Thailand site was Abu Zubaydah, a Saudi arrested in Pakistan in 2002. His experience at that site can probably best be described as hellish. The Senate Intelligence Committee report says that for the first 47 days of his detention, Zubaydah was kept shackled in isolation in a room designed to disorient him: The all-white room was flooded with bright light from four ultra-bright halogen bulbs pointed directly at him 24 hours a day. Loud music was played constantly. The combination of the bright lighting, all-white room, and loud, non-stop music deprived Zubaydah of sleep and overwhelmed his senses.

All CIA officers who entered the room “wore all black uniforms, including boots, gloves, balaclavas, and goggles to keep Abu Zubaydah from identifying the officers, as well as to prevent Abu Zubaydah ‘from seeing the security guards as individuals who he may attempt to establish a relationship or dialogue with,’” according to the Senate report.

After those 47 days, the physical torture started.

From August 1 to August 20, 2002, Zubaydah was waterboarded multiple times every day “with multiple iterations of the watering cycle during each application.” Between sessions, he was left alone, on the board, with the towel still covering his face. This was to keep him wondering when it would start all over again.

He was waterboarded 83 times and subjected to other forms of torture. One of those other forms of torture (besides those already listed above) included being locked in one of two coffins for hours at a time. The larger of the two coffins was normal-sized. The smaller was 2.5 feet high, 2.5 feet deep, and less than two feet wide. According to the report, Zubaydah “spent a total of 266 hours (11 days, 2 hours) in the large (coffin size) confinement box and 29 hours in a small confinement box.”

The report records that Zubaydah was made “hysterical” by the experience. He “cried.” He “pleaded.” He “begged.” He “whimpered.” He was “distressed to the level that he was unable to effectively communicate.” One is left to wonder — if the ostensible purpose of all of this was to gain intelligence — how it serves that end to break a man’s mind and reduce him to a quivering mess who is unable to communicate.

After all of that, the CIA determined that Zubaydah had nothing of value to tell. So he was transferred to Guantánamo. The tapes ordered destroyed via the memo written by Haspel, to keep them from the



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eyes of Congress — whose job it is to provide oversight of the CIA's various activities — showed the torture of Zubaydah, which included at least one waterboarding session where he nearly died at the hands of his tormentors.

If what the CIA did to Zubaydah is not immoral — is not *wrong* — then nothing under the sun is.

Further evidence of the immorality of torture — including waterboarding — can be seen in the letter Malcolm Wrightson Nance wrote to Chairman John Conyers and the members of the House Judiciary Committee that was published by *Salon* in November 2007.

Nance is a former member of the U.S. military intelligence community and a retired U.S. Navy senior chief petty officer with 20 years of honorable service to his credit. In his letter, he described the time he spent as an instructor at the U.S. Navy Survival, Evasion, Resistance and Escape (SERE) school in North Island Naval Air Station, California. He wrote that he and other instructors taught students to resist “the techniques of brutal authoritarian enemies” and described waterboarding as the “most severe of those [techniques] employed.”

Nance wrote:

SERE trained tens of thousands of service members of its historical use by the Nazis, the Japanese, North Korea, Iraq, the Soviet Union, the Khmer Rouge and the North Vietnamese.

SERE emphasized that enemies of democracy and rule of law often ignore human rights, defy the Geneva Convention and have subjected our men and women to grievous physical and psychological harm. We stress that enduring these calumnies will allow our soldiers to return home with honor.

### **Past Persecution**

Further support for Nance's claims can be found in U.S. military history. In the wake of World War II, the United States tried, convicted, and imprisoned or executed a number of Japanese troops and officials for torturing American troops. Notably, a Japanese interpreter present at “enhanced interrogations” of U.S. soldiers, Yukio Asano, was convicted at the Yokohama Class B and C War Crimes Trials in 1947 for the part he played in the torture of American prisoners of war. Asano received a 15-year sentence of hard labor for his war crimes.

What were Asano's crimes?

According to the records of his trial, those crimes include that he “did willfully and unlawfully, brutally mistreat and torture Morris O. Killough, an American Prisoner of War, by beating and kicking him, by fastening him on a stretcher and pouring water up his nostrils,” that he did “willfully and unlawfully, brutally mistreat and torture Thomas B. Armitage, William O. Cash and Munroe Dave Woodall, American Prisoners of War, by beating and kicking them, by forcing water into their mouths and noses, and by pressing lighted cigarettes against their bodies,” and that he did “willfully and unlawfully, brutally mistreat and torture John Henry Burton, an American Prisoner of War, by beating him, and by fastening him head downward on a stretcher and forcing water into his nose.”

Japanese soldiers First Lieutenant Seitara Hata, Sergeant Hideji Nakamura, and Sergeant Major Takeo Kita received sentences of 25 years, 20 years, and 15 years, respectively, for the parts they played in the torture of those five American soldiers.

Notice that all of those convictions for war crimes included charges of “willfully and unlawfully, brutally





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mistreat[ing] and tortur[ing]" American prisoners of war by waterboarding them. Waterboarding is a form of torture the U.S. government called a "war crime" when it was done to U.S. soldiers.

Waterboarding is often called "simulated drowning." It is actually real drowning, done little by little, on the installment plan.

Evan Wallach was a Judge Advocate General in the Nevada National Guard and was responsible for training soldiers "about their legal obligations when they guarded prisoners." In November 2007, he wrote for the *Washington Post* about the various techniques collectively known as waterboarding, saying:

The media usually characterize the practice as "simulated drowning." That's incorrect. To be effective, waterboarding is usually real drowning that simulates death. That is, the victim experiences the sensations of drowning: struggle, panic, breath-holding, swallowing, vomiting, taking water into the lungs and, eventually, the same feeling of not being able to breathe that one experiences after being punched in the gut. The main difference is that the drowning process is halted. According to those who have studied waterboarding's effects, it can cause severe psychological trauma, such as panic attacks, for years.

Wallach is correct that waterboarding causes lasting psychological effects. The late journalist Christopher Hitchens elected to experience waterboarding for himself. Unlike Sean Hannity — who promised to, but never did — Hitchens went through with it. He wrote about it, saying, "I have since woken up trying to push the bedcovers off my face, and if I do anything that makes me short of breath I find myself clawing at the air with a horrible sensation of smothering and claustrophobia." He lasted less than 18 seconds before giving the distress signal to stop the torture — a signal that real waterboarding victims don't have the opportunity to give. He felt weak for giving in so soon, but wrote that one of the men who waterboarded him said, "Any time is a long time when you're breathing water." There's that point again: Breathing water has a name — that name is "drowning." Hitchens also wrote:

You feel that you are drowning because you are drowning — or, rather, being drowned, albeit slowly and under controlled conditions and at the mercy (or otherwise) of those who are applying the pressure.

Make no mistake: Waterboarding is torture. And like all torture, it is immoral and is a war crime. And to put in the for-what-it's-worth column, Trump didn't use the canonized euphemism; he said he wants to bring back "torture." And Bush would not have felt the need to exempt the CIA from the Geneva Conventions' prohibitions on torture if he did not realize that his administration's practices were in violation of those restrictions.

If torture was a war crime for which the United States prosecuted and convicted Japanese troops and officials after World War II, it is still a war crime. If it is — as SERE instructors taught American soldiers — among the "most severe of those [techniques] employed" by "brutal authoritarian enemies" when practiced by "the Nazis, the Japanese, North Korea, Iraq, the Soviet Union, the Khmer Rouge and the North Vietnamese," simply referring to it as "enhanced interrogation" does nothing to change what it really is. And just because Americans are on the giving end doesn't make it any less wrong.

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