

Tortured excuses and justifications do not lessen the crime

Dennis Breslin

"When I use a word," Humpty Dumpty said in rather a scornful tone, "it means just what I choose it to mean — neither more nor less."

"The question is," said Alice, "whether you can make words mean so many different things."

"The question is," said Humpty Dumpty, "which is to be master— that's all."

Through the Looking Glass by Lewis Carroll

Defenders of the government use of torture deploy two tactics: **excuses** ("yes it was wrong, but we didn't do it) and **justifications** ("yes we did it but we had too, thus it wasn't wrong). But excuses and justifications do nothing to reduce the cruelty or lessen the wrong. Here is what we should remember:

(1) It's cruelty no matter how you spin it. The methods employed by the CIA were [straightforwardly torture](#). Drowning, sleep deprivation to the point of insanity, slapping, beating, slamming, and dragging are beyond dispute forms of torture. A medically unnecessary rectal infusion of one's lunch takes pain and degradation to a new level of excess. These are forms of torture, not "enhanced interrogation techniques." That's like saying someone isn't dead, they're simply experiencing "indefinite breathing delays." See also [The Most Horrific Revelations In The CIA Torture Report](#).

(2) Torture is criminal, absolute and in existing state and federal law. Abuse of government power was a bedrock concern of the U.S. Constitution – or more accurately the fourth, fifth, eighth, and fourteenth amendments that limit what governments can do to its people. Unreasonable searches and seizures, right to know your accusers and the charges against you, prohibitions on cruel and inhumane punishment, and the right to due process all militate against targeted killings, rendition, indefinite detention, and enhanced interrogation.

As crime, it's absolute – there aren't any grounds where it's permissible. And as crime, particular offenses are covered by existing criminal law. These points were acknowledged in the State Departments' [report](#) to the United Nations Committee Against Torture in 1999.

- "Torture cannot be justified by exceptional circumstances, nor can it be excused on the basis of an order from a superior officer." Alleged effectiveness of torture is never the issue. To do otherwise imperils the law.
- Acts of torture are crimes and they fall within the scope of existing federal or state laws on assault, maiming, murder, manslaughter, attempt to commit murder or manslaughter, or rape as well as conspiracy and being an accessory after the fact. "Every state criminalizes deliberate acts of bodily injury as well as abuses of authority on the part of state agents, whether as common assault and battery, homicide, rape, etc., as well as conspiracies, attempts, complicity, solicitation, etc."
- Acts of torture are also criminal violations of the federal civil rights statutes, depriving an individual of "the free exercise or enjoyment of a right of privilege secured by the Constitution or laws of the United States."

(3) Its a matter of human rights, not just federal laws and constitutional rights. The use of torture by the CIA is prohibited by international law – the [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Common Article 3 to the Geneva Conventions](#) – as well as prohibited by Fifth, Eighth, and Fourteenth Amendments to the U. S. Constitution. And George W. Bush acknowledged as

[much](#) notwithstanding that the Bush administration apparently could not regard involuntary and unnecessary rectal feeding as torture.

The United States ratified the Convention against Torture in 1994. It was President Ronald Reagan who initially submitted the Convention against Torture to the senate for ratification in 1988.

Article 1 of the [UN Convention Against Torture](#) doesn't contain a lot of ambiguity either. It states

“any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person, information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

(4) The CIA knew what they did was wrong and unlawful. The [CIA lied, lied again](#), and lied about lying. The CIA repeatedly lied to Congress and knowingly destroyed evidence of its wrongdoing. The [CIA also spied on the senate committee charged with oversight](#).

(5) If we make it about who is tortured and why, we then have to reckon with the compounded crimes of brutalizing the wrong people, obtaining useless and inaccurate intelligence, and not saving a single soul. Because of the secrecy involved we don't know much about who has been tortured, the accuracy of intelligence gotten, and how it has contributed to national security. When the veil is pulled back, it is picture of [flawed intelligence, faulty targeting, years of civilian deaths — and scant accountability](#).

[Then again, torture, rendition, and detention are not particularly useful. Torture doesn't work.](#)

Then again the tendency of rounding up individuals with little or no connection to terrorism pretty much means that extreme brutality was employed to produce false intelligence that didn't protect anyone. [But torture is preventing those detained and tortured from getting their day in court.](#)

(6) It's really not about who is tortured but who did the torturing. Debates about police killings often switch villains making the dead the villain and the killer the victim. Similarly, debates about government torture emphasize the villainy of the torture victim. But it's the torturers' villainy that stands out, [a banal villainy](#).