

# Declaration responds to torture-policy shift

July 14, 2008

WASHINGTON (ABP)—For years in foreign-policy circles, the United States was regarded as the world's premier protector of individual liberty, promoter of democracy and champion of human rights.

But terrorist attacks on U.S. soil on Sept. 11, 2001, created a new climate of fear, President Bush's declaration of war on terror—and a shift in the government's policies on torture.

Now, a coalition of religious and secular leaders hopes to persuade either the current administration or the one that takes office in January to return to the United States' historic stance against torture.

The [National Religious Campaign Against Torture](#) , [Evangelicals for Human Rights](#) and the [Center for Victims of Torture](#) issued a unique document June 26.

Called the "Declaration of Principles for a Presidential Executive Order on Prisoner Treatment, Torture and Cruelty," it was signed by several religious, political and military leaders. It includes six principles for prisoner treatment and asks the president to issue an executive order enshrining them as U.S. policy.

## Shifted by fear

"The events of 9/11 were horrific," noted Richard Killmer, executive director of the National Religious Campaign Against Torture. "I'm sure the administration had fear, and they began to develop policy in an effort to make us more secure."

The problem, Killmer believes, is that fear induced inappropriate policies. "We have no doubts about the intention of the president. ... But he forgot about international law, laws on the books, about how you treat enemy combatants," Killmer said.

Information about Justice Department and Defense Department memos surfaced in 2005. The memos, written primarily in 2002 and 2003, offered legal justification for using harsh measures against terrorism detainees.

A March 2003 memo by John Yoo offered the most sweeping arguments. A former deputy in the Department of Defense Office of Legal Counsel, Yoo asserted that the president's authority as commander-in-chief gives him unlimited power to order interrogations. The Constitution gave the president authority to protect the nation from attack, Yoo claimed. The memo was declassified and released earlier this year.

Passage of the Military Commissions Act in March 2006 strengthened the administration's position. It gave the president power to determine the enemy and to imprison those tagged as enemies without charges.

"Policies developed that really endangered our country," Douglas Johnson, director of the Center for Victims of Torture, said.

### **Moral/strategic concerns**

The possibility of a concerted effort to affect the administration's view emerged as individual groups examined possible consequences of the government's shift toward condoning torture.

Johnson noticed voices emerging on several levels. Religious voices, especially among evangelicals, had begun speaking out on "the deep immorality of torture," he said.

At the same time, foreign-policy experts and former military leaders

emphasized the strategic implications of torture policy. “The issues of security were badly played in the administration and the news media,” Johnson said.

Condoning torture “has hurt America,” he added, by alienating U.S. allies and providing some credence to al Qaeda’s charge that America is out to persecute and martyr Muslims.

As conversations continued, several individuals recognized the need for “an important moral statement to get people to re-examine the frivolous conversations taking place...to get people to start thinking,” Johnson said.

“The policies were not only wrong, but stupid” in their effect, he added. “These [moral and strategic] arguments were being rolled over. We were looking for people who would bring sanity to the conversation.”

### **Building consensus**

The center organized a dinner meeting in early 2007 to discuss how to build consensus.

Dinner participants determined that a declaration asking for an executive order would be an effective means of clearly spelling out their concerns. They enlisted David Gushee, director of Evangelicals for Human Rights and an ethics professor at Mercer University’s [McAfee School of Theology](#) , to help write the document.

The declaration affirms six principles on prisoner treatment: refusal to use treatment on others that most Americans would find unacceptable; creating uniform, national standards to be used by all U.S. governmental agencies; adherence to the rule of law and adequate judicial process for prisoners; acceptance of the responsibility to protect prisoners after they are transferred to the custody of other nations; adherence to the checks and balances in the U.S. political process; and clarity and accountability to legal

rules, regardless of rank or position.

The document “is an aspect of what it means to follow Christ, to speak up for justice in the public square,” Gushee emphasized.

“September 11 basically temporarily unhinged us. We have to go back. There have always been and there will always be security threats...but we have to uphold our ideals.”

### **Growing movement**

“It’s kind of a ‘grass-tops’ and a grassroots movement,” Gushee said.

The three organizations began the “grass-tops” effort by enlisting key leaders involved in initial conversations to sign the declaration, and a concerted grassroots outreach by launching a website ([www.campaigntobantorture.org](http://www.campaigntobantorture.org)).

Early signers include former secretaries of state George Shultz, Madeleine Albright and Warren Christopher and former defense secretaries Harold Brown, William Perry and William Cohen. Several political figures, such as former senators Sam Nunn (D-Ga.) and John Glenn (D-Ohio), have signed.

Project organizers intend to keep the document in the public eye. “I’m genuinely thrilled by the kind of people who have already signed it and the diversity of influence they represent,” Gushee said.

“There are everyday folks who need to be persuaded. It helps that some people whose job has been to protect the country have already signed,” he added. “We are hoping to help foster a national consensus.”

And they hope that consensus will grab the administration’s attention and the attention of presidential candidates John McCain and Barack Obama.

The principles would have to be incorporated by executive order and

legislative action to return to previous policies.

“It’s hard to get anybody to admit when they’re wrong. But this is the voice that’s needed to tell the administration that we don’t need them to protect us,” Johnson said. “It’s the ideals that we want protected.”