

# Torture fails to ensure national security, experts insist

September 11, 2008

ATLANTA—Retired high-ranking military officers and national security experts at a national summit on torture agreed—a policy that permits torture does not make the United States or its troops safer.

Speaking on the seventh anniversary of terrorist attacks on New York City and Washington, D.C., Steve Xenakis, retired brigadier general in the U.S. Army, disputed the assertion that “9/11 changed everything”—including acceptable rules for the treatment of detainees.

Xenakis, a medical doctor, participated in the two-day summit on “Religious Faith, Torture and our National Soul” held on Mercer University’s Atlanta campus.

## **Violation of foundational principles**

Torture violates at least four key principles, he insisted, labeling it as:

- ° Un-American. George Washington set the standard during the American Revolution by insisting on the humane treatment of prisoners during wartime.
- ° Ineffective. Information obtained through extreme coercive physical and mental abuse is unreliable.
- ° Unnecessary. Skilled interrogators know more effective ways to obtain reliable actionable intelligence.
- ° Damaging. “The person who is tortured is damaged. But so is the torturer, the nation and the military,” Xenakis concluded. Torture creates

“increasing risk of retaliatory measures” that endangers military personnel on the front lines.

Fear, anger and politics all contributed to the climate that allowed the torture of detainees to become national policy, said Don Guter, retired rear admiral and former Navy Judge Advocate General.

### **Shameful downfall for an exemplary nation**

Coercive physical and mental abuse of prisoners occurred not just because of “a few bad apples,” but because “those higher up in the chain of command” authorized it, said Guter, dean of the Duquesne University School of Law.

“There is a marked difference between something that happens in spite of administrative policy and something that happens because of it,” he said.

Guter characterized that policy shift as a “shameful downfall” for a country that set the standard for the humane treatment of prisoners in World War II.

### **Groundbreaking shift in national policy**

Karen Greenberg, executive director of the Center on Law and Security at the New York University School of Law, recounted the events that led to “groundbreaking” shifts in national policy, making torture an acceptable form of interrogation.

By the time the American public saw the first photos detailing the degradation of prisoners at Abu Ghraib prison in Baghdad, at least a dozen reports had been commissioned—mostly by military personnel—following

persistent allegations of detainee abuse, she noted.

The commander of Joint Task Force 7, the senior U.S. military official in Iraq, ordered a report prepared by Maj. Gen. Antonio Taguba, specifically on alleged abuse of prisoners by members of the 800th Military Police Brigade at Abu Ghraib.

“Reading the Taguba report was like being transplanted to Mars,” Greenberg said.

Beyond the report itself—which detailed the way prisoners were stripped, hooded and subjected to sexual humiliation—more than 1,000 pages of documentation appended to the report revealed the detention and essentially unrestrained interrogation of suspected terrorists had become U.S. policy, she observed.

The Military Order of Nov. 13, 2001—an executive order issued by President George W. Bush—granted all authority regarding the detention, treatment and trial of non-citizens in the “war on terror” to the Secretary of Defense.

“America could do what it wanted with detainees,” Greenberg said.

Five lawyers from the White House, Pentagon and Justice Department—a “war council” convened by Bush and Cheney—developed the legal rationale for circumventing the military code of justice, federal courts and international treaties.

High-ranking military and national security officials initially were excluded from those discussions, she noted. And once they learned about the change in policy, they could not believe people they knew and trusted would implement it.

**What torture produces**

“I do not think that torture makes us safer as a country,” Greenberg said.

Information gained through interrogation is less reliable than data obtained by the established intelligence community, she said, pointing to the experience of Sen. John McCain as a prisoner of war in Vietnam. For the first three and half years of his captivity, when subjected to torture, McCain gave false information to deceive his captors.

Greenberg also noted McCain, the Republican presidential nominee, has said his love for country, family and faith grew much deeper as a result of his brutal treatment by those who interrogated him.

She asked if the United States wants to support a policy that makes suspected terrorists more committed to their nations, tribes and religions.