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[Home](#) > Detainee treatment: How does it feel?

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Detainee treatment: How does it feel?

Thu, 06/20/2013 - 10:44am [Field Notes From A Battleground](#) [1] [Opinion/Viewpoint](#) [2]

By Charles R. Church

‘The Report of The Constitution Project’s Task Force on Detainee Treatment’ came out in April, and it pulls no punches. The most comprehensive record of detainee treatment yet published, the report is no partisan rant. The panel comprised by both conservatives and liberals, Republicans and Democrats. Its co-chair, Asa Hutchinson, formerly a high-ranking official in the second Bush Administration, told the New York Times on April 16: “This has not been an easy inquiry for me, because I know many of the players.” He “took convincing” on the torture issue, but after nearly two years of research, he had no doubts about what the U.S. did.

The report delivers a couple of body blows early on. In the course of the nation’s many previous conflicts there can be little doubt that some U.S. personnel committed brutal acts against captives: “But there is no evidence there had ever before been the kind of considered and detailed discussions that occurred after Sept. 11, directly involving a president and his top advisers, on the wisdom, propriety and legality of inflicting pain and torment on some detainees....” And: “[I]t is indisputable that the United States engaged in the practice of torture,” in many instances and across a wide range of theaters.

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The litany goes on. We declared the Geneva Conventions, “a venerable instrument for ensuring humane treatment in time of war” not applicable to al Qaeda and Taliban captives in Afghanistan and Guantanamo. President Bush authorized brutal techniques for use by the CIA on selected detainees. The CIA created its own detention and interrogation facilities at several locations in Afghanistan and even more secretive “black sites” in Thailand, Poland, Romania and Lithuania. After the 9/11 attacks, lawyers in the Justice Department provided “novel, if not acrobatic interpretations” of the regime of laws and treaties designed to prohibit torture to allow mistreatment of prisoners. The U.S. violated its international legal obligations in the enforced disappearances and arbitrary detentions of terror suspects in secret prisons abroad, where officials — the CIA — committed acts of torture and cruel, inhuman or degrading treatment. That’s but a fraction of the list.

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But wait, torture got results, didn’t it? The movie “Zero Dark Thirty,” while pretending to be factual, told us that torture always works, and that it led us to bin Laden. In the just-revived TV

series “24,” Kiefer Sutherland abuses prisoners to save the day every time. But here’s what the report says: “There is no firm or persuasive evidence that the widespread use of harsh interrogation techniques ... produced significant information of value.” And there is substantial evidence that much of the information adduced by the use of such techniques “was not useful or credible.” There was no “noteworthy connection between information gained from such interrogations and the finding of Osama bin Laden.”

The report even faults the Obama Administration, which had no role in the atrocities enumerated. The continued high level of secrecy surrounding the rendition and torture of detainees cannot be justified by national security. Hence the ongoing classification of these practices “serves only to conceal evidence of wrongdoing and makes its repetition more likely.”

While this report is authoritative as far as it goes, it “should not be the final word,” for the panel lacked both subpoena power to compel testimony and the ability to review classified materials. Hence, the executive branch should declassify the 6,000-page report on the use of torture and abuse by the CIA, recently adopted in a bipartisan vote by the Senate Select Intelligence Committee after an exhaustive three-year review, including of more than 6 million pages of CIA records and other documents. From the whisperings I have heard, its findings are consistent with those of the Task Force. The greater authority conferred by the Senate committee’s subpoena power and access to secret information are essential to putting our torturing ways to rest for good.

The Task Force Report tells us: “Democracy and torture cannot peacefully coexist in the same body politic.” We all need to think about these findings, and consider how severely we would condemn another country that perpetrated such foul deeds. But it was no banana republic that did such things, we did them.

How does it feel?

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