

TORTURE AND THE DEATH OF OSAMA BIN LADEN

By Nick Gier

*The weak will do anything to stop the pain;
The strong will resist until the end.*

—a Roman jurist on torture

*I'm willing to concede the point that no one gave us valuable
or actionable intelligence while they were being water boarded.*

—President G. W. Bush's NSA Director Michael Hayden

What is certain is that bin Laden's message prospered
because he could dismiss America's commitment to freedom
and human rights and claim that the country abused Muslims.

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In 2006 Air Force officer Matthew Alexander volunteered as an interrogator in Iraq. Abiding by the Army Field Manual's prohibition against inhumane treatment, Alexander insisted on training his team according to "a new methodology—one based on building rapport with suspects, showing cultural understanding, and using good old-fashioned brainpower to tease out information." Alexander's "non-enhanced" methods resulted in locating and killing of Abu Musab al-Zaraqawi, who set up Al Qaeda in Iraq in 2004. After his return to the U.S., Alexander wrote a book entitled *How to Break a Terrorist: The US Interrogators Who Used Brains, Not Brutality, to Take Down the Deadliest Man in Iraq*.

In 2006 the Supreme Court ruled that enhanced interrogation techniques could no longer be used, so presumably any information provided after that date was not obtained by torture. The name and whereabouts of the courier that led us to bin Laden's hideout in Pakistan was revealed in interrogations at Guantanamo in 2007.

GOP Representative Peter King claims that he has seen documents that prove that the courier's identity was revealed by Khalid Sheikh Mohammed (KSM), after being water boarded 183 times in 2003. Even though representatives of the nation's police denied it before his committee, King said that 80 percent of America's mosques harbored terrorists. For me King has zero credibility.

Reading the same files as Congressman King, Senator John McCain, writing for the Washington Post (5/12/11), found no support for his claims, which have been backed up by former Bush attorney general Michael Mukasey. In his column McCain has requested that Mukasey withdraw his statement. McCain, who was tortured by the North Vietnamese, has received an apology from former Sen. Richard Santorum who, incredibly enough, accused McCain for failing to "understand how enhanced interrogation works."

In his column “The Damage Torture Does” McCain released a long statement from CIA Director Leon Panetta, who concluded: “In fact, not only did the use of ‘enhanced interrogation techniques’ on KSM not provide us with key leads on bin Laden’s courier; it actually produced false and misleading information.” A CIA cable stated that “KSM has been known to withhold information or deliberately mislead,” and interrogators told CIA director Tenet that “there really was nothing really solid enough to pass on” from KSM (Jane Mayer, *The Dark Side: The Inside Story of How the War on Terror Turned into a War on American Ideals*, p. 277).

George Bush’s director of the National Intelligence Agency Michael Hayden states: “I’m willing to concede the point that no one gave us valuable or actionable intelligence while they were being water boarded.” Matthew Alexander has been vindicated: an interrogator is more likely to get the truth from prisoners who have not been abused.

The timing is completely off for the torture apologists to be correct. As Jane Mayer surmises: “One would think that if so-called ‘enhanced interrogations’ provided the magic silver bullet, and if the courier was KSM’s protégé, then the CIA might have wrapped this up back in 2003,” four years earlier than the discovery of the courier’s identity.

In their pronouncements about the death of bin Laden, Dick Cheney and Sarah Palin do not mention Obama at all. The implication of course is that it is George Bush who should get all the credit. But it was the Bush administration that let bin Laden get away at Tora Bora in November 2001. So few troops were assigned to the siege the mountain fortress that two escape routes were left open for bin Laden and his closest associates to flee to Pakistan, where they found safe haven for ten years.

As a former Bush official told *Time* magazine: “The reason these guys were able to get away was because we let up” (8/11/03). After the Tora Bora fiasco, most of the Special Forces personnel—those who finally got bin Laden—were reassigned to Iraq, and on March 13, 2002 Bush confessed that he did not “spend that much time thinking about” bin Laden, and that he “was not that concerned” about him.

Bush’s invasion of Iraq was a greatest military mistake since Vietnam for many reason, but let me list three: (1) Al Qaeda, which was allowed no presence there under Saddam Hussein, came in by the thousands; (2) the torture of prisoners in Iraq, Guantanamo, and CIA “black sites” alienated Islamic moderates and radicalized militants; and (3) moving military and intelligence assets to Iraq allowed the Taliban and Al Qaeda to regroup and gain strength in Afghanistan and Pakistan.

For a president that boasted about being the “Decider,” Bush also seemed to tire of the Iraq War. He admitted to Bob Woodward that “I was not in those meetings about Iraq strategy. I had other things to do.” As Woodward writes in *The War Within*, Bush “was engaged in the war rhetorically but maintained an odd detachment from its management.” An *Economist* editorial (10/4/08) summed up the Bush presidency: “The self-styled decider was also singularly lacking in decisiveness.”

As opposed to Bush, we have good evidence that Obama was intensely involved in the deliberations that led to his decision to order the attack on bin Laden's compound. Furthermore, Obama has approved many more predator attacks (dozens vs. hundreds) on suspected Al Qaeda sites in two years than Bush did during his 8 years in office.

Some have cried "hypocrisy" for those of us who condemned Bush for using torture, but then praised Obama for ordering the killing of bin Laden. But there is a huge moral difference between torturing the prisoners at Guantanamo—95 percent of whom were detained by bounties averaging \$5,000—and people whom we know planned the attacks on the U.S. embassy in Kenya, on the U.S.S. *Cole*, and on the Twin Towers and the Pentagon. Furthermore, Congress gave permission to President Bush to use "all necessary and appropriate force" against Al Qaeda.

I supported the 2001 invasion of Afghanistan because I firmly believed that bin Laden and his minions should pay for their dastardly deeds, but I definitely did not support the detention of people who were not on a battlefield and were denied basic rights that go back to the Magna Carta. A CIA interrogator who spent a year at Guantanamo summarized his experience there: "Only ten percent of the people there were really dangerous, but the rest of the people. . . I don't understand what they were doing there" (Joseph Margulies, *Guantanamo and the Abuse of Presidential Power*, p. 209).

The *Guardian* reports (4/25/11) that among those at Gitmo was an 89-year-old man suffering from dementia and a 14-year-old boy who had obviously been kidnapped. Of the 700 plus Gitmo detainees 603 were finally released with no prosecutions, and German and British citizens who claim severe abuse are now suing the Bush administration.

During the Spanish Inquisition water boarding was used to force confessions from Jews, Protestants, witches, and other innocent people. In 1901 Major Edwin Glenn got 10 years in prison for water boarding a Philippine insurgent. The U. S. prosecuted Japanese soldiers who used the same torture technique. In 1968 an army officer was court-martialed for being present at a water boarding done by South Vietnamese interrogators.

On April 18, 1988, President Ronald Reagan signed the UN Convention on Torture and here is an excerpt from his signing statement: "This Convention marks a significant step in the development of international measures against torture and other inhuman treatment or punishment." Please note the language that indicates prohibition of practices less than torture.

Reagan also emphasized that the U.S. would support the principle of "universal jurisdiction," which means that any judge in any country could press criminal charges against the Bush administration for the torture of any of its citizens. If he were alive today Reagan would be shocked to hear Americans who worship at his altar defending these heinous practices.

Reagan would be especially disturbed by the incredibly obtuse George Bush and his infamous statement: "What does it mean 'outrages upon human dignity'? That is a statement wide open to interpretation." No, George, it definitely is not.

Nick Gier taught philosophy at the University of Idaho for 31 years. Read his two other columns on torture at www.NickGier.com/torture.pdf and /HumaneTreatment.pdf.