

We Had to Destroy America In Order to Save It (???)

The costs of torture as a form of national defense

By Dick Strong

On October 17 President Bush signed the **Military Commissions Act of 2006**. This makes torture the official policy of the United States of America. What does this law actually say?

1. The president has final authority to name any person as an “enemy combatant.”
2. The act eliminates habeas corpus (establishes indefinite detention as U.S. policy).
3. The law overrides the Geneva Convention.
4. The policy grants immunity to torturers.
5. The practice permits trying suspects in secret military courts with judges who are part of a military chain of command.
6. The accused are not permitted to see or challenge all the evidence against them; the military court may withhold any evidence it chooses on grounds of ‘National Security.’
7. There is no right to appeal.

The argument for torture is based on the assumption that globalization has made the nation less powerful in defense against others. Those who have legalized torture assert that national borders are eroding, money moves easily, and individuals have more power through technology. They further assert that the Geneva Convention and our guarantees of human rights never anticipated the power of terrorists. Their response, the new torture laws, grants the president permanent wartime powers and adopts the principles of preemptive restraint and presumption of guilt until proven innocent, principles deeply at odds with the American legal tradition.

Formalization of the new law was hurried through Congress just ahead of the elections. The full significance of the new policy has been lost amidst distress over the war and power shifts resulting from the election.

There are four ways this effects American citizens: legally, strategically psychologically, and spiritually.

The Military Commissions Act is **illegal**. Its form violates much of the Constitution, the Bill of Rights and the Magna Carta. The administration has already declared itself outside the jurisdiction of the International Court at the Hague, and the Geneva Convention. By doing that, the administration has created a situation in which our own soldiers cannot appeal for protection under those laws when captured. The legal implication of the new law also places the executive branch of government above the judiciary and legislature. Under the new law the President

can “disappear” or torture anyone at his discretion without needing a reason, a formal charge or any public proof of guilt.

The **Strategic** shortcomings of the American torture program have already been pointed out by the U.S. military. They explain that our soldiers are more at risk of torture if captured. Conversely, enemy forces are more likely to **fight to the death** if they have grounds to believe that torture will follow their surrender, making our success in battle much more difficult. Torture as revenge leads to a spiral of increased violence.

Diplomats point out that nations who rely on torture to meet political goals lack credibility among the world community. They lose respect at the negotiating table

Psychologically the law impacts both society and the individual. Torture performed systematically in the name of the people demeans those people collectively. Critics of the law feel that part of its design is to instill fear in our own people. A fearful society remains silent in the face of rising despotism. The practice of torture also leads to a more violent society.

The law’s effect on the individual is more subtle. As citizens, we are emotionally wounded by this law, which has supposedly been enacted on our behalf. By remaining silent we have given away precious moral ground. In teach-ins, vigils and small group sharing circles, participants have experienced a form of healing by voicing their disapproval of this policy.

Spiritually torture challenges the moral validity of a society. For the individuals performing torture, the trauma related stress can be life long. A German court has recently indicted the American Secretary of Defense and Attorney General on grounds of crimes against humanity, and those men are susceptible to being arrested on foreign soil and prosecuted in the same way as President Pinochet or Mr. Eichmann. Torture is counter to the Christian ethic.

The Military Commissions Act of 2006, enacted as a bold step toward defending America, damages our democracy, compromises our standing as a nation internationally, weakens our free society, and is a move towards moral bankruptcy. The absurdity of this calls to mind the February, 1968, remark of an American major commenting on the bombing of Ben Tre, Vietnam. He said, “it became necessary to destroy the town in order to save it.” apparently unaware of the tragic absurdity of his remark. How many traditional American values will we sacrifice in the name of defending America? Will anything of America be left after we get finished defending America with torture?

Dick Strong, voiceofthesoil@juno.com, is an ecologist and concerned citizen in the San Francisco Bay area. You can download this article from the Resources page of www.SupportGenevaConventions.org