

The Battle for the Country's Soul

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Excerpts taken from the full article:

They turned the Justice Department's Office of Legal Counsel into a political instrument, which they used to expand their own executive power at the expense of long-standing checks and balances. When warned that these policies were unlawful and counterproductive, they ignored the experts and made decisions outside of ordinary bureaucratic channels, and often outside of the public's view...

Such extreme measures were perhaps understandable in the panic-filled days and weeks immediately after September 11, falling into place among other historic infringements of civil liberties during times of dire national security crisis. Yet seven years later, the Bush administration's counterterrorism policies remained largely unchanged. There had been some alterations and improvements. But the legal framework survives despite nearly universal bipartisan acceptance outside of the Bush administration that Guantánamo should be shut down, that the military commission process was hopelessly flawed, and that the human rights violations at Abu Ghraib and elsewhere were not the work of a few "rotten apples" on the bottom, but rather the result of irresponsible leadership at the top. In fact torture, which was reviled as a depraved vestige of primitive cultures before September 11, seemed in danger of becoming normalized...

In the absence of government transparency and independent analysis, the public has been asked to simply take the President's word on faith that inhumane treatment has been necessary to stop attacks and save lives. Increasingly, however, those with access to the inner workings of the Bush administration's counterterrorism program have begun to question those claims. In March 2008, after President Bush announced his intention to veto legislation requiring the CIA to abide by the same interrogation rules as the military, Senator Jay Rockefeller, chairman of the Senate Intelligence Committee, challenged the administration's entire rationale. Rockefeller's criticism over the years was muted, at best, and so his bold rebuke was particularly noteworthy. "As Chairman of the Senate Intelligence Committee," a statement he released said,

I have heard nothing to suggest that information obtained from enhanced interrogation techniques has prevented an imminent terrorist attack. And I have heard nothing that makes me think the information obtained from these techniques could not have been obtained through traditional interrogation methods used by military and law enforcement interrogators. On the other hand, I do know that coercive interrogations can lead detainees to provide false information in order to make the interrogation stop.

...Rockefeller asserted that the Bush administration's approach was not only unnecessary, it was also undermining the security that it claimed to safeguard. "The CIA's program damages our national security by weakening our legal and moral authority, and by providing al-Qaeda and other terrorist groups a recruiting and motivational tool," he said. "By continuing this interrogation program, the President is sacrificing our strategic advantage for questionable tactical gain."

Doubt has begun to emerge from within the administration itself, too. In 2006, a scientific advisory group to the US intelligence agencies produced an exhaustive report on interrogation called "Educing Information," which concluded that there was no scientific proof whatsoever that harsh techniques worked. In fact, several of the experts involved in the study described the

infliction of physical and psychological cruelty as outmoded, amateurish, and unreliable. In confidential interviews, several of those with inside information about the NSA's controversial Terrorist Surveillance Program have expressed similar disenchantment. As one of these former officials says of the ultrasecret program so furiously defended by David Addington, chief of staff and former counsel to Vice President Cheney, "It's produced nothing." ...

The government's own statistics, meanwhile, showed that both the number of terrorist attacks around the world and the estimation of the threat posed by al-Qaeda were growing. According to the most recent National Intelligence Estimate, issued in April 2006, "A large body of all-source reporting indicates that activists identifying themselves as jihadists, although still a small percentage of Muslims, are increasing in both numbers and geographical dispersion." The report noted carefully, "If this trend continues, threats to US interests at home and abroad will become more diverse, leading to increasing attacks worldwide."

The war in Iraq, the Israeli–Palestinian conflict, and the deteriorating security situations in Afghanistan and Pakistan have all reportedly contributed to the radicalization of the Muslim world. But according to one former official who traveled extensively through the Middle East, no subject was described by Muslims he spoke with as more deeply disturbing than America's abuse of the detainees....By many estimates, by the end of the Bush years, America's reputation as a lead defender of democracy and human rights was in tatters....

After some dozen internal investigations, mostly by the military, a number of low-ranking enlisted soldiers and officers were convicted or disciplined for prisoner abuse. But by design, the investigations were focused downward in the chain of command, not up to those who set the policy. As Major General Antonio Taguba told *The New Yorker*, his investigation of Abu Ghraib was limited to the military police below, not those above him. "I was legally prevented from further investigation into higher authority," he said. "I was limited to a box."...

By the last year of the Bush presidency, growing numbers of former administration insiders had abandoned the government with the conviction that in waging the war against terrorism, America had lost its way. Many had fought valiantly to right what they saw as a dangerously wrong turn....In Charlottesville, Virginia, Phillip Zelikow, the director of the 9/11 Commission, who returned to teaching history at the University of Virginia, tried to take stock. In time, he predicted, the Bush administration's descent into torture would be seen as akin to Roosevelt's internment of Japanese-Americans during World War II. It happened, he believed, in much the same way, for many of the same reasons. As he put it, "Fear and anxiety were exploited by zealots and fools."

The full article can be found at <http://www.nybooks.com/articles/21716>