

# Human Rights First

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://www.bostonglobe.com/opinion/2014/10/06/torture-wrong/D9uUPipS5yVam4YITQxelL/story.html>

### Public Facing Advocacy Writing

IT WAS the fall of 2002. I was about to participate in the interrogation of a top-level member of Al Qaeda. At my CIA briefing, I was told to do whatever was necessary to get the man to talk, as he could very well lead us to Osama Bin Laden himself.

I immediately went to see one of the CIAs lawyers for I feared I knew what was meant by whatever was necessary. The lawyers guidance was clear: The administration redefined torture to mean only serious physical injury, such as organ failure, impairment of bodily function, or even death. I was stunned. This undermined 800 years of Western law, from the Magna Carta to the Geneva Conventions.

None of us dared refer to what was going on as torture. The program became known, in our eras infamous contribution to doublespeak, as enhanced interrogation. But there can be no mistaking it: So-called enhanced interrogation amounts to torture, plain and simple.

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The question of whether American practices amounted to torture is largely settled in the affirmative, despite a few vocal deniers in the desperate throes of self-justification. The question still being debated today is a different one: Is torture ever justified? Unfortunately, many seem to think so.

A favorite thought experiment for torture proponents is the hoary ticking time bomb scenario: Wouldnt and shouldnt a president use torture if he thinks a detainee has information that could stop the mushroom cloud from going up in 30 minutes, and thereby save countless lives? Wouldnt protecting thousands justify torture? Some, [like Harvard Professor Alan Dershowitz](#), favor [torture warrants](#), claiming that a democracy would be strengthened by making torture visible and accountable, instead of keeping it illegal.

But such arguments are misleading. To accept this reasoning, one must be fooled by the faulty premise of the ticking time bomb scenario and accept that torture works in the first place. A further leap in logic would deem that the supposed benefits of carving out an exception for torture would outweigh the immorality of the practice as well as the harm to US and international laws, including our constitutional prohibition on cruel and unusual punishment.

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The ticking time bomb scenario rests on the flawed assumption that, somehow, torture would provide desperately needed information not otherwise obtainable in enough time to stop the threat. But when people are tortured, they will say anything to try to stop the pain. This is common knowledge. When John McCain was tortured as a prisoner of war in Vietnam, he famously listed the starting offensive lineup of the Green Bay Packers when water-boarded for the names of his squadron.

In part because those being tortured are hostile parties and answering under duress, any information gained from them must be independently corroborated by a reliable source. This is one of the basic principles of the trade. Of course, if such a source existed, there would be no reason to use torture in the first place.

The beloved ticking time bomb scenario has nothing to do with reality. The law ought to cover 99.999 percent of all plausible eventualities and affirm our principles. The law should not be tailored to cover a theoretical erroneously imagined scenario that has virtually no chance of happening.

I had direct experience in every aspect of interrogation and intelligence in the so-called war on terror. From producing intelligence through interrogation to assessing it to seeing policies made from it, I was there. Let me be clear about what I learned: Torture undermines all sound principles of good interrogation, intelligence collection, and assessment. It does not work, it is unnecessary, it is illegal, it betrays our ideals and our nations laws. There is no practical, legal, moral, or utilitarian argument in favor of torture. We dont need it, and it betrays who we seek to be. No fine-tuning of the law is necessary to justify it ever.

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Americans like to imagine that history progresses, and that as a society, little by little, we become more enlightened, more knowledgeable, and better. In reality, sadly, our failings and our gifts as humans remain more or less constant, and we can regress easily without knowing it.

After World War II, in the Japanese War Crimes Trials, the United States tried, convicted, and severely punished numerous Japanese soldiers for the express crime the torture of waterboarding. (The United States didnt call it enhanced interrogation back then.) Surely my fathers generation, confronted with the gravest threat the nation has ever known, were tempted to cut legal and ethical corners, to use

whatever measures might help safeguard the nation. But they also saw clearly that torture was not an option. Our nation affirmed what we had been fighting for, and who we wished to be, by making torture unconditionally illegal in the Geneva Conventions in 1949.

After my involvement in the enhanced interrogation program, I concluded that public knowledge of these policies and acts is the only way to strengthen our democracy. That is why I wrote a book on my experiences to show how easily we erred and how needlessly we traduced our values. And that is why I advocate release of the Senate Intelligence Committees report on the CIA enhanced interrogation program so that we may have a public reckoning with what we did and, as a nation, commit never to make those errors again.

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The CIA hires officers who might succeed in the midst of ambiguity the murk of uncertainty, pressure, and the obligation to act now but can also affirm the principles we are sworn to serve. For me a former CIA officer who spent decades trying to reconcile the irreconcilable, who lived with the impossible task of getting it right every time when all choices were fraught with ill consequence one truth stood out in its simple clarity: Torture is wrong. No hypothetical can gainsay that, and no circumstance can justify making an exception.

#### Related:

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Glenn L. Carle was a career CIA field officer, who retired in 2007 as the Deputy National Intelligence Officer for Transnational Threats. His book, *The Interrogator*, details his involvement in the enhanced interrogation program.

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