

Council on American-Islamic Relations (CAIR)

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

https://www.cair.com/cair_in_the_news/vp-cheney-pushing-the-envelope-on-torture/

Public Facing Advocacy Writing

PUSHING THE ENVELOPE ON PRESIDENTIAL POWER

Shortly after the first accused terrorists reached the U.S. naval prison at Guantanamo Bay, Cuba, on Jan. 11, 2002, a delegation from CIA headquarters arrived in the Situation Room. The agency presented a delicate problem to White House counsel Alberto R. Gonzales, a man with next to no experience on the subject. Vice President Cheney's lawyer, who had a great deal of experience, sat nearby.

The meeting marked the first time that the issue of interrogations comes up among top-ranking White House officials, recalled John C. Yoo, who represented the Justice Department. The CIA guys said, 'We're going to have some real difficulties getting actionable intelligence from detainees' if interrogators confined themselves to treatment allowed by the Geneva Conventions.

From that moment, well before previous accounts have suggested, Cheney turned his attention to the practical business of crushing a captives will to resist. The vice president's office played a central role in shattering limits on coercion of prisoners in U.S. custody, commissioning and defending legal opinions that the Bush administration has since portrayed as the initiatives, months later, of lower-ranking officials.

Cheney and his allies, according to more than two dozen current and former officials, pioneered a novel distinction between forbidden torture and permitted use of cruel, inhuman or degrading methods of questioning. They did not originate every idea to rewrite or reinterpret the law, but fresh accounts from participants show that they translated muscular theories, from Yoo and others, into the operational language of government.

A backlash beginning in 2004, after reports of abuse leaked out of Iraq's Abu Ghraib prison and Guantanamo Bay, brought what appeared to be sharp reversals in courts and Congress for Cheney's claims of executive supremacy and for his unyielding defense of what he called robust interrogation.

But a more careful look at the results suggests that Cheney won far more than he lost. Many of the harsh measures he championed, and some of the broadest principles undergirding them, have survived intact but out of public view.

The vice president's unseen victories attest to traits that are often ascribed to him but are hard to demonstrate from the public record: thoroughgoing secrecy, persistence of focus, tactical flexibility in service of fixed aims and close knowledge of the power map of government. On critical decisions for more than six years, Cheney has often controlled the pivot points tipping the outcome when he could, engineering stalemate when he could not and reopening debates that rivals thought were resolved.

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