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Ethical Dilemma -- Torture versus American Ideals
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Ethical dilemma -- Torture vs. American ideals

A huge ethical dilemma faces the country as well as the military these days; torture and its necessity in preserving National Security and the American ideal. This dilemma has the American public asking; how much like "them" do we have to become before we defeat them? This dilemma stems from the murkiness of having official and unofficial policies. If we are going to use physical coercion, then let's clearly state what kind, for how long, and most importantly who can do what. Young interrogators should be supervised, and interrogators should be the only people conducting interrogations. Interrogation is equal parts training, skill, and art. It takes time to develop interrogators. (Frontline 2005)

Because we did not have clear guidelines, and we did not keep the boundaries sharp on who is authorized to use what coercive action, we now run the risk of not being able to use any coercive action. All coercive action probably now falls under the term "inhumane treatment." All inhumane treatment of all detainees will cease if a bill to end it passes the House. Worse still, Americans are now asking: Does torture set aside American ideals?

At the heart of the latest debate is Sen. John McCain, a victim of torture in Viet Nam, who is the torch bearer of a provision to ban inhumane treatment of detainees or enemy prisoners of war. (Klug 2005)

Officials in the White House threaten to veto any bill with restrictions on handling detainees. They said in the same story that, "it would limit the president's ability to protect and prevent a terrorist attack." (Klug 2005)

McCain said he feels the issue pits the hearts and minds war against National Security. (Klug 2005)

"If we are viewed as a country that engages in torture ... any possible information we might be able to gain is far counterbalanced by (the negative) effect of public opinion," McCain, R-Ariz., said on CBS' "Face the Nation. (Klug 2005) (McCain 2005)

"To prevail in this war we need more than victories on the battlefield. This is a war of ideas, a struggle to advance freedom in the face of terror in places where oppressive rule has bred the malevolence that creates terrorists. Prisoner abuses exact a terrible toll on us in this war of ideas. They inevitably become public, and when they do they threaten our moral standing, and expose us to false but widely disseminated charges that democracies are no more inherently idealistic and moral than other regimes. This is an existential fight, to be sure. If they could, Islamic extremists who resort to terror would destroy us utterly. But to defeat them we must prevail in our defense of American political values as well. The mistreatment of prisoners greatly injures that effort." (McCain Newsweek 2005)

And there is part of the dilemma. On the one hand, young earnest Soldiers are saying they came to Iraq to liberate it from Saddam Hussein. On the other hand, the

United States of America's White House, Senate and House of Representatives are battling it out over whether we "torture" detainees or not.

McCain said that his personal experience is that torture does not yield reliable information. McCain said he believes that any inhumane treatment does not work and it is therefore an invalid form of intelligence gathering. (McCain Newsweek 2005)

"Obviously, to defeat our enemies we need intelligence, but intelligence that is reliable. We should not torture or treat inhumanely terrorists we have captured. The abuse of prisoners harms, not helps, our war effort. In my experience, abuse of prisoners often produces bad intelligence because under torture a person will say anything he thinks his captors want to hear—whether it is true or false—if he believes it will relieve his suffering. I was once physically coerced to provide my enemies with the names of the members of my flight squadron, information that had little if any value to my enemies as actionable intelligence. But I did not refuse, or repeat my insistence that I was required under the Geneva Conventions to provide my captors only with my name, rank and serial number. Instead, I gave them the names of the Green Bay Packers' offensive line, knowing that providing them false information was sufficient to suspend the abuse. It seems probable to me that the terrorists we interrogate under less than humane standards of treatment are also likely to resort to deceptive answers that are perhaps less provably false than that which I once offered." (McCain Newsweek 2005)

Whether torture produces actionable intelligence or not is the subject of another paper. But because of his experience which built his opinion -- not to mention making

him a very credible spokesman -- all coercive action of any detainee or enemy prisoner of war is off the table.

This is not McCain's fault. We did this to ourselves. What brought this to the fore is not breaking someone's fingers to get information or even something as mild as -- comparatively speaking -- holding a gun to a guy's head to get immediate life-saving information. That's not the torture that caused the move to legislation, but we will come to that later. (In light of recent information, the colonel should be reinstated and given a medal.)

Because political objectives overcame military ones and because the feeling was the ends justify the means what faces us now is virtually an "all-or-nothing" proposal.

People are now asking questions like is it possible to torture a little and not lose the moral high ground? Can we dance with the devil and not change?

Do we not torture at all and risk more attacks? Are our ideals risking American lives for?

The issue is emotionally charged. Also what do we do with a guy who might have really been a tomato farmer, but who was detained and mistreated for six months?

Marketing guys will tell you an unhappy customer will tell at least 12 other people about how badly we was treated. A happy one might tell three how well he was treated. How many people will a guy who has been detained and tortured tell? If he was a tomato farmer, does he now become a terrorist? Thomas Jefferson once described the dilemma of freeing or not freeing the slaves as "Holding a wolf by the ears." How many wolves are we holding by the ears in Iraq?

The issue also is one of pride. We don't want be weak, and we don't want be chumps. These guys behead people on video. How does making naked guys walk on leashes compare with that?

McCain said in his address to the Senate, it's about maintaining our ideals and our values not about the lack of higher morals on their part.

"Terrorists are "the quintessence of evil, and do not deserve our sympathy," he said. "But it's not about them; it's about us. This battle we're in is about the things we stand for and believe in and practice. And that is an observance of human rights, no matter how terrible our adversaries may be." (McCain, Face the Nation 2005)

"What I do mourn is what we lose when by official policy or official neglect we allow, confuse or encourage our soldiers to forget that best sense of ourselves, that which is our greatest strength—that we are different and better than our enemies, that we fight for an idea, not a tribe, not a land, not a king, not a twisted interpretation of an ancient religion, but for an idea that all men are created equal and endowed by their Creator with inalienable rights." (McCain Newsweek 2005)

And even though the bill passed the largely Republican Senate by 98 percent, McCain is clear that he supports the President and the War in Iraq. (Wilson 2005)

The United States used to be the guys in the white hats. Period. The Lone Ranger didn't torture guys. The people of the United States were disgusted when we actually walked onto the concentration camps at Auschwitz. We were not impressed with the, "I was following orders," answers given at Nuremberg. We defined that as weak in those days.

It's apples and oranges -- organized forced labor and genocide versus Abu Ghraib and Guantanamo. We torture to get information. But the Geneva Convention is the one small line that keeps Soldiers alive while they are in the custody of enemy states; McCain said in his address to the Senate. (Wilson 2005)

"We entered a barren room with a small casement window located close to the ceiling and a pair of strong spotlights focused on one gray wall where a human being was hanging from his chest by a leather strap attached to an iron ring embedded in the concrete some six feet above the cement floor," then-Navy Cmdr. Lloyd M. Bucher, skipper of the spy ship USS Pueblo, said in describing his own imprisonment and torture by the North Koreans in 1968.

"The man was barely alive, stripped to the waist so that all the black bruises covering his torso were exposed, as was the compound fracture of one limp arm with a jagged piece of bone protruding through the torn flesh. His face was a pulp in which one eyeball dangled out of its socket in a dark ooze of fluid coagulating on his cheek. He had

completely chewed through his lower lip that hung in shreds from between clenched teeth...

"This is a South Korean spy we have caught," Bucher's North Korean captors shouted. "Look at his just punishment."

The North Koreans already had told Bucher they considered him and his crew spies, so they could meet the same fate if they did not confess in writing to intruding into North Korea's territorial waters with their spy ship. (Wilson 2005)

Bucher and his men were tortured daily. They broke and signed false confessions. But Bucher said that they were cleaned up and the Koreans attempted to cover signs of mistreatment before they were released to the Americans. He attributes that to the Geneva Convention. It saved his life he said. (Wilson 2005)

McCain himself said that no one expects Al Qaeda to follow the Geneva Conventions, but Americans should remember this will not be the last war America will fight.

"Our commitment to basic humanitarian values affects—in part—the willingness of other nations to do the same. Mistreatment of enemy prisoners endangers our own troops who might someday be held captive. While some enemies, and Al Qaeda surely, will never be bound by the principle of reciprocity, we should have concern for those Americans captured by more traditional enemies, if not in this war then in the next.

Until about 1970, North Vietnam ignored its obligations not to mistreat the Americans they held prisoner, claiming that we were engaged in an unlawful war against them and thus not entitled to the protections of the Geneva Conventions. But when their abuses became widely known and incited unfavorable international attention, they substantially decreased their mistreatment of us. Again, Al Qaeda will never be influenced by international sensibilities or open to moral suasion. If ever the term "sociopath" applied to anyone, it applies to them. But I doubt they will be the last enemy America will fight, and we should not undermine today our defense of international prohibitions against torture and inhumane treatment of prisoners of war that we will need to rely on in the future. "

(McCain Newsweek 2005)

This most recent battle was not begun by the media. It was oddly enough, Donald Rumsfeld who knocked over the first domino. What did Mr. Rumsfeld do? During the most recent -- and 12th -- investigation of Abu Ghraib, he testified in a very clear way that Iraq and all of its detainees fell under the Geneva Convention. Iraq was not a GITMO situation. Soldiers, who were in Iraq conducting interrogations and being creative when designing new coercive actions, saw, heard of, or read about the testimony.

One specialist and former Army interrogator, honorably discharged said that when he heard that, he said to himself: "I'm screwed." He had been using at the direction of his superior a means of coercion developed by that superior. The superior adapted a tactic used by Seals on high value targets. The Soldier felt he was screwed because the

tactics were not the usual approved sort, his subjects were neither high value and at that point he was beginning to suspect they were not even terrorists. Another Soldier who is still on active duty echoed the sentiment. These Soldiers brought their concerns to those who supervised them. Those who supervised them said the testimony did not change how they were doing business. Those Soldiers from that day on maintained paper trails, but continued to do what they were doing. (Frontline 2005)

The next domino to fall would be a decorated West Point graduate, a veteran of Iraq and Afghanistan who reportedly prays at every meal and carries a copy of the constitution on him at all times. When Captain Ian Fishback then serving at a forward operating base near the Syrian border saw Donald Rumsfeld testify that the Iraq war was subject to the Geneva Convention, he took his concerns to his superiors, who told him to shut up or his career would suffer. Capt. Fishback did not shut up and took his concerns to the Secretary of the Army and Senate aides. The guy who answered the mail was Senator John McCain a survivor of five years of torture by the Viet Cong. Ironically, the captain and two sergeants were All Americans; they served in the 82nd Airborne. (Human Rights Report 2005) (Wilson 2005) (Sullivan 2005)

In Capt. Fishback's camp prisoners were called, PUCs, for Persons under control. (Sullivan 2005)

One sergeant who served with him there testified to the Human Rights Watch:

“Everyone in camp knew if you wanted to work out your frustration you show up at the PUC tent. In a way it was sport. One

day (another sergeant) shows up and tells a PUC to grab a pole. He told him to bend over and broke the guy's leg with a mini-Louisville slugger, a metal bat. As long as no PUCs came up dead, it happened. We kept it to broken arms and legs." (Human Rights Report 2005)

There was no quest for information. This was frustration. The Soldier was not an interrogator. (No other information about the Soldier is available. The Department of Defense is investigating the situation. Capt. Fishback's identity was leaked, but the NCOs identities were not. (Wilson 2005)) The legitimacy of those acts was confused by memos that suspected terrorists did not fall under the Geneva Convention. Those memos were addressing the situation with the Taliban and the Al Qaeda and in GITMO, but copies of those memos showed up on computers in detention facilities in Iraq. (Frontline 2005)

Confusion was the fall out of vague guidance, and every one knows that no response is still an answer.

"The administration demanded that soldiers extract information from detainees without telling them what was allowed and what was forbidden. Yet when abuses inevitably followed, the leadership blamed the soldiers in the field instead of taking responsibility," Tom Malinowski, Washington Director of Human Rights Watch. (Human Rights Watch 2005)

Blaming "the administration" is probably going too far, but what might be more likely is that senior officers and NCOs instead of asking why and seeking clarification from higher accepted the status quo assumption and drove on with the mission.

McCain also said he is concerned for the Soldiers who commit out of frustration or who are directed to commit torture; when you look into the abyss, the abyss looks back.

"The mistreatment of prisoners harms us more than our enemies. I don't think I'm naive about how terrible are the wages of war, and how terrible are the things that must be done to wage it successfully. It is an awful business, and no matter how noble the cause for which it is fought, no matter how valiant their service, many veterans spend much of their subsequent lives trying to forget not only what was done to them, but some of what had to be done by them to prevail." (McCain Newsweek 2005)

How many of our ideals do we shelve because today it is "weak?" Do we torture, and if so how much and to what extent. Where is the line? A long time ago, we stated that the Germans were the bad guys because they used torture. The Vietnamese were the bad guys because they used torture. The Koreans were the bad guys because they used torture. More recently we said Saddam Hussein was a bad guy because he used torture.

Recent documents have come to light making it seem that what happened at Abu Ghraib was not isolated -- it was only photographed. If we torture then where do we stop the torture? Also if Military Police stomped on the detainees back and legs the day before, and today they sodomize him and have women throw balls at his genitals and still

we get no information and tomorrow we ramp up the activity further when does it stop?

How far do we ratchet it up? (Frontline 2005)

Let's keep the guidance clear and leave interrogations and "softening up" to professional interrogators.

Capt. Fishback wrote the following words to Senator McCain: "If we abandon our ideals in the face of adversity and aggression, then those ideals were never really in our possession. I would rather die fighting than give up even the smallest part of the idea that is 'America'."