

Hentoff: President Reagan's torture advice to President Obama

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GHS

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President Obama is strongly disinclined to support an independent investigation of possible criminal violations of U.S. laws and international treaties by the highest levels of the Bush-Cheney administration. He also has no personal interest in going after those Justice Department lawyers who, in 2002 and later, declared "enhanced interrogation techniques" lawful. Says Obama: "Nothing will be gained by spending our time and energy laying blame for the past."

In a sardonic response to the president and to those "torture memos" lawyers, Dahlia Lithwick, legal affairs columnist for Slate (April 17), says those lawyers tell us that "it isn't torture if you can get over it."

More somberly, Caroline Fredrickson, director of the ACLU's Washington legislative office, says plainly: "Our government engages in torture. There were vast human rights abuses that took place during the Bush administration. And we're just moving on?"

It's time to bring President Ronald Reagan into this increasingly heated debate - not only in this country but also among some of our allies who believe, as does our Senate Armed Services Committee, that U.S. torture policy was an effective recruiting tool for the terrorists.

International lawyer Scott Horton - on his Harper's magazine Web site, "No comment" (May 6), recalls that Reagan vigorously championed U.S. ratification of the international Convention Against Torture, which he signed in 1988. This treaty is the primary international foundation of anti-torture law, and Reagan acclaimed its having marked "a significant step in the development ... of international measures against torture and other inhuman treatment or punishment.

"Ratification of the Convention by the United States," Reagan continued, "will clearly express United States opposition to torture, an abhorrent practice unfortunately prevalent in the world today."

And, I remind Obama, Reagan cited the Convention's establishment of an agreement "for international cooperation in the criminal prosecution of tortures (by) relying on so-called 'universal jurisdiction,'" requiring each nation signing the Convention "to prosecute torturers who are found in its territory or to extradite them to other countries for prosecution." This includes officials who authorized torture.

As I write this, Spain, under "universal jurisdiction," has begun criminal proceedings against six high-level officials in the Bush administration - among them "torture memos" writers John Yoo and Jay Bybee - for involvement in the use of torture in our prison in Guantanamo Bay.

The only way for Spain to stop this prosecution is if there is a similar process actually under way in the United States. That is Spanish law. But Obama would still rather look forward than backward.

I would also like to bring into this conversation about restoring our reputation not only in the world but, most importantly, among future generations of Americans - a history teacher and college counselor at Friends' Central School in Wynnewood, a suburb of Philadelphia. What Grant Calder tells his students is important for all of us who care about American history, past, present and future.

Fortunately, Calder teaches in a school where American history is still being taught - instead of the time-devouring teaching for tests to meet the pressures of local, state and federal mandates. In "Deciding what we won't do" (philly.com/inquirer/opinion), he tells of reminding his students of times of fear in our history when many Americans - including local, state and federal legislators - strongly believed they "were justified in believing that Soviet leaders hated capitalists and their institutions - and were bent on destroying them."

The "Red Scare" here began in the 1920s and crested with the signing of the Hitler-Soviet pact in 1939. As Calder told his class, George Kennan - an important figure in American diplomatic history - was serving as chief of mission at the U.S. Embassy in Moscow when he wrote in 1946 what was, for a time, a secret memorandum, "The Long Telegram." Sent to Secretary of State George Marshall, it was signed "X."

Kennan was clearly under no illusions as to the dangers of that cruel and often inhuman dictatorship, but, as Calder emphasized to his students, Kennan urged:

"We must have courage and self-confidence to cling to our own methods and conceptions of human society. After all, the greatest danger that can befall us in coping with this problem of Soviet communism, is that we shall allow ourselves to become like those with whom we are coping."

While unquestionably desiring to keep us safe, the Bush-Cheney team did not remember that lesson, if they ever knew it. If there is not an honest, thorough investigation of their torture policy, future American administrations will also not have learned - and acted on - Reagan's and Kennan's wisdom. On Sept. 12, 2001, President George W. Bush pledged: "We will not allow this enemy to win the war by changing our way of life or restricting our freedoms." He later repeatedly assured the world, "We do not torture." Those pledges were badly broken, to our discredit throughout the world.

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