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Op-Ed

Did waterboarding work?

Get over it: We'll never know for sure, and the question is no longer relevant.

By David H. Rittgers

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The successful raid on Osama bin Laden's safe house in Pakistan has reinvigorated debate over the role that "enhanced interrogation techniques" have played in fighting Al Qaeda. No one is switching sides, which has turned the argument into a theological one between two sets of true believers. Each views the other as heretics.

Get over it. The whole of the debate is pointless posturing. There is no way to prove or disprove the real worth of America's experiment with waterboarding and coercive techniques. More important, enhanced interrogation isn't coming back.

The legal framework underlying waterboarding collapsed during President George W. Bush's tenure. The White House Office of Legal Counsel in 2004 withdrew the memoranda that authorized waterboarding. The [Detainee Treatment Act of 2005](#), sponsored by former POW and torture victim Sen. John McCain (R-Ariz.), barred "cruel, inhuman, and degrading" treatment of any detainee in military custody. There may be an argument that waterboarding isn't torture, but there's no argument that it's not cruel, inhuman and degrading.

That hasn't stopped the pro-waterboarding faction from pushing for a return to techniques that were ended by Bush, not President Obama. The next time former Vice President Dick Cheney says that we should bring back waterboarding (as he did in a [recent interview](#) with Fox TV's Chris Wallace), he's mostly feuding with decisions made by his old boss, not the current commander in chief.

The Supreme Court put the nail in the coffin with its Hamdan vs. Rumsfeld decision in 2006. The real import of the ruling was not that Congress had to authorize military commissions (it quickly did) but that the Geneva Conventions apply to the armed conflict with Al Qaeda. The application of the laws of war, which allow broad power to kill your enemy but provide no authority to mistreat him, brought down the legal house of cards that authorized coercive interrogation. Bush issued an [executive order](#) the next year that banned the bulk of enhanced interrogation techniques. Obama followed suit with his own [order](#) applying stricter military standards to the intelligence community.

We'll probably never know the real value of coercive techniques. Surely some accurate information

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came from their use. Some prisoners were interrogated almost entirely with these techniques, so there was no "control," for comparison's sake — no way to know what we'd have gotten without mistreating detainees.

The only way we could have a rational assessment of the costs and benefits of enhanced interrogation techniques is with a complete declassification of all the interrogation reports, including the leads that coercive questioning produced. If a great many of these leads were distracting dead-ends, perhaps produced by a detainee's desire to temporarily end his suffering, that would paint a dim picture of their utility. The risks of such a declassification obviously outweigh the benefits of settling the waterboarding debate.

So we return to the same talking points again and again. In defense of coercive interrogation, the fact that our service members are subjected to these techniques in Survival, Evasion, Resistance and Escape, or SERE, school — the military's prisoner of war training — continues to pop up.

That argument glosses over a key difference between how we treat our soldiers and our prisoners: consent. I volunteered for and graduated from SERE school (I was not waterboarded, but I was subjected to plenty of unpleasantness). I wouldn't suffer the same treatment willingly if someone grabbed me off the street. I'd fight them tooth and nail.

There's also evidence coming to light that waterboarding isn't the "open sesame" some would have us believe. [According to Marc Thiessen](#), a Bush speechwriter, Khalid Shaikh Mohammed counted the seconds he was being waterboarded on his fingers, determining that his interrogators were limited to 40 seconds of controlled drowning at a time. Thiessen's point was that limiting waterboarding, which was crucial to the administration's claim that it wasn't torture, also made it ineffective.

On top of that, Mohammed's primary contribution to the intelligence chain that led to his boss' Pakistani safe house appears to have been his denial that the courier was important. As a justification for enhanced interrogation techniques, that's not much to hang your hat on.

Such scraps of information fuel the pro-and-con debate, but arguing without complete information is nothing but a waste of time. The law banning waterboarding and other coercive techniques is, for now, settled. The military and intelligence communities have adjusted to a world without them, and so should we.

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