

By Rebecca Gordon

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Still Living With Jack Bauer in a Terrified New American World

Once upon a time, if a character on TV or in a movie tortured someone, it was a sure sign that he was a bad guy. Now, the torturers are the all-American heroes. From *24* to *Zero Dark Thirty*, it's been the good guys who wielded the pliers and the waterboards. We're not only living in a post-9/11 world, we're stuck with Jack Bauer in the 25th hour.

In 2002, Cofer Black, the former Director of the CIA's Counterterrorism Center, [told](#) a Senate committee, "All I want to say is that there was 'before' 9/11 and 'after' 9/11. After 9/11 the gloves come off." He wanted them to understand that Americans now live in a changed world, where, from the point of view of the national security state, anything goes. It was, as he and various top officials in the Bush administration saw it, a dangerous place in which terrorists might be lurking in any airport security line and who knew where else.

Dark-skinned foreigners promoting disturbing religions were driven to destroy us because, as President George W. Bush [said](#) more than once, "they hate our freedoms." It was "them or us." In such a frightening new world, we were assured, our survival depended in part on brave men and women willing to break precedent and torture some of our enemies for information that would save civilization itself. As part of a new American creed, we learned that torture was the price of security.

These were the ruling fantasies of the era, onscreen and off. But didn't that sorry phase of our national life end when Bush and his vice president Dick Cheney departed? Wasn't it over once Barack Obama entered the Oval Office and [issued an executive order](#) closing the CIA black sites that the Bush administration had set up across the planet, forbidding what had euphemistically come to be called "enhanced interrogation techniques?" As it happens, no. Though it's seldom commented upon, the infrastructure for, the capacity for, and the personnel

to staff a system of institutionalized state torture remain in place, ready to bloom like a desert plant in a rain shower the next time fear shakes the United States.

There are several important reasons why the resurgence of torture remains a possibility in post-Bush America:

* Torture did not necessarily end when Obama took office.

* We have never had a full accounting of all the torture programs in the “war on terror.”

* Not one of the [senior government officials](#) responsible for activities that amounted to war crimes has been held accountable, nor were any of the actual torturers ever brought to court.

Torture Did Not Necessarily End When Obama Took Office

The president’s executive order directed the CIA to close its detention centers “as expeditiously as possible” and not to open any new ones. No such orders were given, however, to the [Joint Special Operations Command](#)

(JSOC), a clandestine force composed of elite fighters from several branches of the U.S. armed forces. JSOC had run its own secret detention centers in Iraq. At Camp Nama, interrogations took place in the ominously named “Black Room.”

[According to](#)

the

New York Times

, the camp’s chilling motto was “no blood, no foul.” JSOC is presently deployed on several continents, including

[Africa](#)

, where gathering “intelligence” forms an important part of its duties.

The president’s [executive order](#) still permits “rendition” -- the transfer of a terror suspect to another country for interrogation, which in the Bush years meant to the prisons of regimes notorious for torture. It does, however, impose some constraints on the practice. Such

“transfers” must be approved by a special committee composed of the director of national intelligence, the secretary of defense, the secretary of state, the secretary of homeland security, the director of the Central Intelligence Agency, and the chairman of the Joint Chiefs of Staff. It is to be chaired by the attorney general. The committee must not “transfer... individuals to other nations to face torture or otherwise for the purpose, or with the effect, of undermining or circumventing the commitments or obligations of the United States to ensure the humane treatment of individuals in its custody or control.”

This last constraint, however, has been in place at least since 1994, when the Senate ratified the [U.N. Convention](#) against Torture and Other Cruel, Inhuman, and Degrading Treatment. That did not prevent the rendition of people like [Maher Arar](#), an innocent Canadian citizen sent by the United States to Syria, where he endured 10 months of torture in an underground cell. Nor did it save Binyam Mohammed, whose Moroccan jailers sliced his chest and penis with a scalpel -- once a month for 18 months, [according to](#) British human rights lawyer Andy Worthington

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Nor has the CIA itself been prepared to end all its torture programs. In his confirmation hearings, Obama’s first CIA director Leon Panetta [told](#) members of Congress that “if the approved techniques were ‘not sufficient’ to get a detainee to divulge details he was suspected of knowing about an imminent attack, he would ask for ‘additional authority’ to use other methods.” It is, however, unlikely that such “other methods” could be brought to bear on the spur of the moment. To do so, you need an infrastructure and trained personnel. You need to be ready, with skills honed.

Torture, though by another name, still goes on in the American prison complex at Guantánamo Bay, Cuba. President Obama came into office promising to close Guantánamo within a year. It’s a promise he repeats occasionally, but the prison is still open, and some detainees are still being held indefinitely. Those who use the only instrument they have to resist their hellish limbo -- a hunger strike -- are [strapped into chairs](#) and force-fed. In case you think such “feeding” is a humanitarian act, Guantánamo prisoner Samir Naji al Hasan Moqbel [described](#) the experience in a *New York Times* op-ed in April 2013:

“I will never forget the first time they passed the feeding tube up my nose. I can’t describe how

painful it is to be force-fed this way. As it was thrust in, it made me feel like throwing up. I wanted to vomit, but I couldn't. There was agony in my chest, throat, and stomach. I had never experienced such pain before. I would not wish this cruel punishment upon anyone."

The U.S. has a long history of involvement with torture -- from its war in the [Philippines](#) at the dawn of the twentieth century on. It has also, as in

[Latin America](#)

in the 1960s, trained torturers serving other regimes. But until 9/11 top officials in this country had never publicly approved of torture. Whatever might happen behind closed doors (or in training sessions provided by the

[School of the Americas](#)

, for example), in public, everyone -- government officials, the press, and the public -- agreed that torture was wrong.

That consensus no longer exists today. After 9/11 those "gloves" [came off](#). Waterboarding prisoners who might have information about a plot that could threaten us was a "

[no brainer](#)

" for Vice President Dick Cheney, and he wasn't alone. In those years, torture, always called "enhanced interrogation techniques" (a phrase the media

[quickly picked up](#)

), became a commonplace, even celebrated, feature of our new landscape. Will it remain that way?

We Have Never Had a Full Accounting of All the Torture Programs Used in the "War on Terror"

Thanks to the work of persistent reporters, we now know many pieces of the torture puzzle, but we still have nothing like a complete, coherent narrative. And if we don't know just what happened in those torture years, we are unlikely to be able to dismantle the existing infrastructure, which means we won't be able to keep it from happening again.

In addition, the accounts of journalists and historians are not sufficient, as they don't bear any government imprimatur. They are not "the official story." They do not represent an attempt on the part of the government, and hence the nation, to come fully to grips with this past. An official account of what happened could, however, lay the groundwork for a national consensus against the future use of torture.

Forty years ago, congressional investigations of the CIA's [Phoenix Program](#) (in which tens of thousands of Viet Cong were tortured and murdered) resulted in some new constraints on the Agency's activities. President Gerald Ford issued an [executive order](#) prohibiting the CIA from engaging in "political assassinations" or experimenting with drugs on human subjects. President Jimmy Carter [amended](#) that order to prohibit assassination in general. These edicts, combined with the oversight provided by the House and Senate Intelligence Committees, were supposed to rein in the CIA's most egregious acts.

Nevertheless, we now know that a rejuvenated CIA has run a full-scale torture program, [kidnaped](#) terror suspects off global streets, and still oversees drone assassination campaigns in Pakistan and Yemen. In addition, it continues to resist Congressional oversight of its torture activities. As yet, the Agency, tasked with "[vetting](#)" a 6,000-page report on its "interrogation methods" prepared by the Senate Intelligence Committee, has refused to allow the release of any part of the account. Even Dianne Feinstein, the committee's chair, often considered the "senator from national security," was moved to offer an [extraordinary denunciation](#) on the floor of the Senate of the CIA's interference with committee computers.

Recently, the *Washington Post* [reported](#) some leaked details from the report the committee has been struggling unsuccessfully to get released, including information on a previously undocumented form of CIA torture: shoving a prisoner's head into a tub of ice water or pouring that water all over a person's body. (Immersion in cold water is a torture method I first came across in 1984 when interviewing a Nicaraguan who had been kidnapped and tortured by U.S.-backed and -trained Contra guerrillas .)

We don't have anything like the full story of the CIA's involvement in torture, and the CIA is only one agency within a larger complex of agencies, military and civilian. We can't dismantle what we can't see.

None of the High Government Officials Responsible for Activities That Amount to War

Crimes Has Been Held Accountable; Nor Have Any of the Actual CIA Torturers

When it comes to torture, President Obama has [argued](#) that “nothing will be gained by spending our time and energy laying blame for the past,” but this is simply not true. One thing that could be gained would be a public consensus that the United States should never again engage in torture. Another might be agreement that officials who are likely guilty of war crimes should not be allowed to act with impunity and then left free to spend their post-government years [writing memoirs](#) or painting [bat](#) [hing](#).

Retired Major General Antonio Taguba, whose military career was [cut short](#) by his report on U.S. abuses at Abu Ghraib prison in Iraq, [wrote](#)

in the preface to a June 2008 report by Physicians for Human Rights, “After years of disclosures by government investigations, media accounts, and reports from human rights organizations, there is no longer any doubt as to whether the current administration has committed war crimes. The only question that remains to be answered is whether those who ordered the use of torture will be held to account.”

Years later, with a different administration in its second term, this question has been answered. They will not. Nor will the actual CIA torturers, since the Obama Justice Department has [dis](#) [missed](#) all cases involving their brutal interrogations, even two that resulted in the deaths of prisoners.

This is not to say that no one has been sent to prison because of the CIA’s torture programs. Former CIA analyst John Kiriakou is [presently serving](#) 30 months in federal prison for [revealin](#) [g](#) the name of a covert CIA operative, while blowing the whistle on the Agency’s torture operations. From his prison cell, he has [called](#) for a special prosecutor to bring the architects of the torture program to justice.

Living in a Cowardly New World

The post-9/11 United States is no brave new world, but a terrified one. We are constantly reminded of the dangers we face and encouraged to believe that torture will keep us safe. Americans have evidently seen just enough -- between revelations of fact and fictional representations -- to become habituated to the idea that torture is a necessary cost of safety. Indeed, [polls show](#) that Americans are more supportive of using torture today than they were at the height of the “war on terror.”

In these years, “safety” and “security” have become primary national concerns. It’s almost as if we believe that if enough data is collected, enough “really bad guys” are tortured into giving up “actionable intelligence,” we ourselves will never die. There is a word for people whose first concern is always for their own safety and who will therefore permit anything to be done in their name as long as it keeps them secure. Such people are sometimes called cowards.

If this terrified new worldview holds, and if the structure for a torture system remains in place and unpunished, the next time fear rises, the torture will begin anew.

Rebecca Gordon is the author of [Mainstreaming Torture: Ethical Approaches in the Post-9/11 United States](#) (Oxford University Press). She teaches in the philosophy department at the University of San Francisco. She has also spent several decades working in a variety of national and international movements for peace and justice, and is a member of the [War Times/Tiempo de Guerras](#) collective.