



Written by [Jack Kenny](#) on April 16, 2013

## New Report Calls Evidence of U.S. Torture “Indisputable”

A two-year-long non-partisan study has concluded it is “indisputable” that the United States engaged in the practice of torture in the years following the terrorist attacks of September 11, 2001. The 577-page report by the Constitution Project also makes clear that the highest officials of the U.S. government were responsible. The policy is unprecedented in the United States, the report said, in “the kind of considered and detailed discussions that occurred after 9/11 directly involving a president and his top advisers on the wisdom, propriety and legality of inflicting pain and torment on some detainees in our custody.”



The study, by an 11-member panel convened by the [Constitution Project](#), a legal research and advocacy group, was to be released on Tuesday morning, the *New York Times* [reported](#), though by Tuesday noon, it still had not been posted on the organization’s website. The panel was co-chaired by former Congressman Asa Hutchinson, a Republican from Arkansas, and James R. Jones, a Democrat and a former ambassador to Mexico.

Both former President George W. Bush and former Vice President Dick Cheney have admitted authorizing waterboarding of high-ranking al-Qaeda prisoners, a process that simulates drowning for a detainee who is tied to a board while water is poured down his nose and throat. The report says the CIA also slammed detainees into walls, chained them in uncomfortable positions for hours, stripped them of clothing, and kept them awake for days on end. A series of memos from the Office of Legal Counsel from the U.S. Department of Justice during the Bush administration claimed the methods, officially known as “enhanced interrogation techniques,” were legal under certain conditions. While human rights organizations and some news commentators denounced the measures as “torture,” most major news organizations shied away from the word. As the *Times* acknowledged Tuesday: “News organizations have wrestled with whether to label the brutal methods unequivocally as torture in the face of some government officials’ claims that they were not.”

Even the International Committee of the Red Cross, after an internal debate over whether to speak out publicly about the abuses, decided not to, the report found, delaying public exposure of violations of international as well as U.S. law. The panel found the United States also violated international law with “enforced disappearances” and secret detentions of suspected terrorists. Much of the information obtained through coerced testimony or confessions was unreliable, according to the report, which concluded that any valuable information that was obtained through illegal interrogation methods could have been obtained by legal, nonviolent means.

There is “no justification” for relying on torture, the report says, and doing so has “damaged the standing of our nation, reduced our capacity to convey moral censure when necessary and potentially increased the danger to U.S. military personnel taken captive.”



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The task force traveled to several detention sites as it studied the treatment of prisoners at Guantánamo Bay, in Afghanistan and Iraq, and at the CIA's secret prisons. Staff members interviewed dozens of former American and foreign officials, as well as former detainees, the *Times* reported. The panel did not have access to classified material, including a 6,000-page report on CIA activities by the Senate Intelligence Committee, based only on CIA records.

Both the Senate and the Constitution Project reports were undertaken as a result of President Obama's decision in 2009 to oppose the creation of a national commission to investigate the post-911 counterterrorism programs. Obama said he wanted to "look forward, not backward," but some of his own policies have perpetuated, and in some cases exceeded, the abuses of the Bush administration. The incumbent has continued the practice of holding prisoners indefinitely without charge or trial, for example, and his use of drones for targeted killings of suspected terrorists, including at least two U.S. citizens, goes beyond the more limited use of the unmanned bombers by his predecessor.

The panel called for the release of the still classified Senate report. "I had not recognized the depths of torture in some cases," co-chairman Jones said. "We lost our compass."

Hutchinson, who served in the Bush administration as chief of the Drug Enforcement Administration and under secretary of the Department of Homeland Security, acknowledged that he took some convincing, but said the two-year study makes clear the United States has relied on torture in its counterterrorism campaign.

"This has not been an easy inquiry for me, because I know many of the players," he told the *Times*. Hutchinson said he believed the decisions of everyone involved, including President Bush, were made in an effort to prevent more terrorist attacks. But their actions went against what America stands for, he said. "The United States has a historic and unique character, and part of that character is that we do not torture."

But that proposition appears to be up for debate, both here and around the world, given the policies and practices of the past several years and the fact that many influential figures in and around Washington still hold to the rationale of the "torture memos" produced for Justice Department between 2002 and 2005. "As long as the debate continues," the report says, "so too does the possibility that the United States could again engage in torture."

*Photo of hand and ankle cuffs in a Guantanamo interrogation room: AP Images*



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