

## Is torture ever moral?

*by Patrick\_Buchanan*

After opening the door to a truth commission to investigate torture by the CIA of al-Qaida subjects, and leaving the door open to prosecution of higher-ups, President Obama walked the cat back.

He is now opposed to a truth commission. That means it is dead. He is no longer interested in prosecutions. That means no independent counsel "€" for now.

Sen. Harry Reid does not want any new "commissions, boards, tribunals, until we find out what the facts are." Thus, there will be none. The place to find out the facts, says the majority leader, is the intelligence committee of Sen. Dianne Feinstein.

Though belated, White House recognition that high-profile public hearings on the "enhanced interrogation techniques" used by the CIA in the Bush-Cheney years could divide the nation and rip this city apart is politically wise.

For any such investigation must move up the food chain from CIA interrogators, to White House lawyers, to the Cabinet officers who sit on the National Security Council, to Dick Cheney, to The Decider himself.

And what is the need to re-air America's dirty linen before a hostile world, when the facts are already known.

The CIA did use harsh treatment on al-Qaida. That treatment was sanctioned by White House and Justice Department lawyers. The NSC, Cheney and President Bush did sign off. And Obama has ordered all such practices discontinued.

This is not a question of "What did the president know and when did he know it?" It is a question of the legality and morality of what is already known. And on this, the country is rancorously split.

Many contend that torture is inherently evil, morally outrageous and legally impermissible under both existing U.S. law and the Geneva Convention on prisoners of war.

Moreover, they argue, torture does not work.

Its harvest is hatred, deceptions and lies. And because it is cowardly and cruel, torture degrades those who do it, as well as those to whom it is done. It instills a spirit of revenge in its victims.

When the knowledge of torture is made public, as invariably it is, it besmirches America's good name and serves as a recruiting poster for our enemies and a justification to use the same degrading methods on our men and women.

And it makes us no better than the Chinese communist brain-washers of the Korean War, the Japanese war criminals who tortured U.S. POWs and the jailers at the Hanoi Hilton who tortured Sen. John McCain.

Moreover, even if done in a few monitored cases, where it seems to be the only way to get immediate intelligence to save hundreds or thousands from imminent terror attack, down the chain of command they know it is being done. Thus, we get sadistic copycat conduct at Abu Ghraib by enlisted personnel to amuse themselves at midnight.

While the legal and moral case against torture is compelling, there is another side.

Let us put aside briefly the explosive and toxic term.

Is it ever moral to kill? Of course. We give guns to police and soldiers, and honor them as heroes when they use their guns to save lives.

Is it ever moral to inflict excruciating pain? Of course. Civil War doctors who cut off arms and legs in battlefield hospitals saved many soldiers from death by gangrene.

The morality of killing or inflicting severe pain depends, then, not only on the nature of the act, but on the circumstances and motive.

The Beltway Snipers deserved death sentences. The Navy Seal snipers who killed those three Somali pirates and saved Captain Richard Phillips deserve medals.

Consider now Khalid Sheikh Mohammed, mastermind of 9-11, which sent 3,000 Americans to horrible deaths, and who was behind, if he did not do it himself, the beheading of Danny Pearl.

Even many opponents against torture will concede we have the same right to execute Khalid Mohammed as we did Timothy McVeigh. But if we have a right to kill him, do we have no moral right to waterboard him for 20 minutes to force him to reveal plans and al-Qaida accomplices to save thousands of American lives?

Americans are divided.

"Rendition," a film based on a true story, where an innocent man suspected of belonging to a terrorist cell is sent to an Arab country and tortured, won rave reviews.

But more popular was "Taken," a film in which Liam Neeson, an ex-spy, has a daughter kidnapped by white slavers in Paris, whom he tortures for information to rescue her and bring her home.

Certainly, Cheney and Bush, who make no apologies for what they authorized to keep America safe for seven and a half years, should be held to account. But so, too, should Barack Obama, if U.S. citizens die in a terror attack the CIA might have prevented, had its interrogators not been tied to an Army Field Manual written for dealing with soldiers, not al-Qaida killers who favor "soft targets" such as subways, airliners and office buildings.

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