

Sixteen for '16 - Number 14: Stop Torturing and Stop Assassinating
By [Salvatore Babones](#), Truthout | Op-Ed

"We tortured some folks. We did some things that were contrary to our values . . . we did some things that were wrong." (1)

That may be the understatement of the century so far, but at least it's an improvement on "[I] laid the foundation for peace by making some awfully difficult decisions." (2)

The United States in the 21st century adopted torture as a tool of foreign policy - or if not torture, at least "cruel, inhuman, or degrading treatment or punishment" as long as it was not "equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death." (3)

Torture (or extremely enhanced non-torture) techniques approved for use in the war on terror included waterboarding, keeping prisoners cold, naked and wet, and sleep deprivation of up to 180 hours. (4) For the record, 180 hours equals seven and a half days.

The pain accompanied by 180 hours without sleep may or may not be equivalent in intensity to the pain accompanying organ failure or death, but it can't be pleasant. No one said that interrogation should be pleasant, but no one said it had to be nasty. In any case, there is no evidence that nasty works. The expert consensus is that it does not. (5)

Whatever else it may be, keeping prisoners cold, naked and wet without sleep for days on end certainly is not civilized. It is beneath the dignity of a civilized country. It is beneath the dignity of the United States of America.

The government of the United States of America does many things that are beneath the dignity of the United States of America, even if it has now banned torture.

On January 22, 2009, President Obama issued Executive Order 13491 banning torture by US government personnel, but it does not ban US government personnel from subcontracting torture to third parties overseas. (6) Press reports suggest that so-called "extraordinary renditions" of prisoners to third countries with dubious human rights records continue. (7)

Moving beyond torture, on October 23, 2012, Washington Post journalist Greg Miller disclosed the existence of a "disposition matrix" or kill list maintained by the White House to facilitate the worldwide organization of targeted killings by the US government. (8) Targeted killing is widely understood as President Obama's alternative to President Bush's torture and rendition programs. (9)

"Targeted killing is now so routine that the Obama administration has spent much of the past year codifying and streamlining the processes that sustain it," Miller wrote in his 2012 article.

Research from The Bureau of Investigative Journalism (TBIJ) indicates that US drone strikes kill roughly 10 to 12 people per month in Pakistan, every month. Figures tallied by TBIJ include 199 to 410 deaths in 2012, 108 to 195 deaths in 2013, and 51 to 77 deaths between January and June 2014. (10) Drone strikes also occur regularly in Yemen and Somalia, and presumably elsewhere in the region as well.

If targeted killing by drone aircraft is occurring and admitted by the US government, what other forms of targeted killing are occurring - or might occur in the future?

That's the nub of the problem. Most Americans seem not to be alarmed by the killing of a dozen people a month in remote parts of the world, even if many of those people are actually innocent of terrorism or hostility toward the United States. Pew Research Center polls consistently report solid bipartisan majorities in favor of extrajudicial drone killings. (11)

But there is no special legal basis for killings by missiles launched from drone aircraft, as opposed to killings by knife, bullet, poison or laser beam. Killing is killing. When the president of the United States claims the right to kill any enemy of the United States anywhere outside the United States, the world should pay attention.

And the world does. US drone strikes are wildly unpopular in almost every country surveyed by the Pew Research Global Attitudes Project. (12) Among populations surveyed, only Israelis and Kenyans strongly support US drone strikes (more so than Americans themselves). Populations in 40 other countries strongly disapprove.

The world's concern is not about the trustworthiness of President Obama. The world likes Obama, in general more than Americans do. (13) The world's concern is for the next president, and the next, and the next. Once it becomes broadly accepted and well-established that the president of the United States has a license to kill, it will be very difficult to take that license away.

That a president cannot be prosecuted under US law for killing people abroad now seems clear. The president's Article II authority to order military action as commander in chief of the armed forces is now broadly accepted and well-established. Only Congress can effectively discipline the president, and it is unlikely that any Congress would ever impeach a president on behalf of foreigners (or even the occasional American) killed in foreign countries.

That a US president would ever be successfully prosecuted under international law is equally unlikely.

But a confidently progressive president of the United States could renounce the authority to kill individuals abroad, as Presidents Ford and Carter did through executive orders in the 1970s. If a succession of presidents reinforced this ban it might be very difficult for a future president to claim a constitutional privilege to resume targeted killings in the pursuit of national security.

The shift to a more restrained foreign policy based on the rule of law won't take place overnight, but it can start in 2016. Americans are tired of the never-ending war on terror, with more than half agreeing that "the US should mind its own business internationally," the highest percentage ever recorded. (14)

If there ever was a right time for a presidential candidate to tear up the license to kill, it is now.

Footnotes

1. President Barack Obama, Press Conference by the President, August 1, 2014.
2. President George W. Bush, Interview of the President by Yonit Levi, Channel 2 News, January 4, 2008.
3. Office of the Assistant Attorney General, Memorandum for Alberto R Gonzales, Counsel to the President, August 1, 2002, page 1.
4. Brian Ross and Richard Esposito, CIA's Harsh Interrogation Techniques Described, ABC News, November 18, 2005; Ewen MacAskill, Torture Techniques Endorsed by the Bush Administration, The Guardian, April 18, 2009.
5. US Army Field Manual 34-52 Intelligence Interrogation, page 1-8; US Army Field Manual 2-22.3 Human Intelligence Collector Operations, September 6, 2006, page 5-21.
6. Craig Whitlock, Renditions Continue under Obama, Despite Due-Process Concerns, The Washington Post, January 1, 2013.
7. Cora Currier and Suevon Lee, The Best Reporting on Detention and Rendition Under Obama, Pro Publica, July 13, 2012.
8. Greg Miller, Plan for Hunting Terrorists Signals U.S. Intends to Keep Adding Names to Kill Lists, The Washington Post, October 23, 2012.
9. Adam Entous, Special Report: How the White House Learned to Love the Drone, Reuters, May 18, 2010.
10. The Bureau of Investigative Journalism, Get the Data: Drone Wars, June 11, 2014.
11. Continued Support for U.S. Drone Strikes, Pew Research Center for the People & the Press, February 11, 2013; Bruce Drake, Report Questions Drone Use, Widely Unpopular Globally, but not in the U.S., Pew Research Center, October 23, 2013.
12. Global Opposition to U.S. Surveillance and Drones, but Limited Harm to America's Image, Pew Research Global Attitudes Project, July 14, 2014.
13. Global Opinion of Barack Obama, Pew Research Global Attitudes Project, July 18, 2013.
14. Public Sees U.S. Power Declining as Support for Global Engagement Slips, Pew Research Center for the People & the Press, December 3, 2013.