

By David Swanson

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The New Press has just published seven of the torture memos with a 40-page introduction by David Cole and a 3-page forward by Phillippe Sands. For those who prefer books to lengthy PDFs or printouts thereof, this is a real service. If we were a literate society, a book like this would put a number of important people behind bars. In the type of society we actually are, only photographs and videos can possibly have that impact, which is why we may never see those.

Of course, there are a lot more memos and reports that have been made public, with more coming out all the time as due dates arrive for compliance with court orders. Missing from this book are a number of memos authorizing torture, and others authorizing rendition, detention, military commissions, aggressive war, warrantless spying, noncompliance with treaties, the use of the military domestically, and other outrages. As Obama and Holder consider the prosecution of only certain individuals who strayed from the guidelines of some of these illegal policies, the most significant result is the cementing in place of the power of presidents to make any crazy thing legal simply by instructing a lawyer to declare it so.

And of course there are a great many more memos that we know of but have not seen, not to mention the unknown unknowns. But any handful of torture memos, including the ones in this book, ought to be sufficient to shut up every ignorant TV pundit who produces punditry about torture. That is, if we read things instead of just watching them.

"The memos reproduced here," Cole writes, "even more than the photographs from Abu Ghraib or the interrogation records from Guantanamo, are the 'smoking guns' in the torture controversy." They do require careful reading, but Cole's introduction helps. He points out, for example, in case it gets lost in the cumulative legalistic gibberish and sadism, that in response to requests from the CIA to know the legality of actions the CIA proposed to engage in (and in reality in many cases had already engaged in), the lawyers in the Office of Legal Counsel always deemed the requested acts of torture legal. Always.

The New York Times the other day ran an article painting a picture of torture as legal because bureaucratized, systematized, detailed, documented, regimented, and carefully observed. Don't let the same tricks fool you when you read these memos. They are authorizations to destroy people physically and mentally, and nothing less.

The other Times, of London, on Thursday published an account of Mohammed Jawad's return home. This young man says he was 12 in 2002 when the United States arrested him on suspicion of throwing a grenade, a charge he denies and which has never been tried or proven. Since then Jawad has been locked up, first in Afghanistan, and then for almost his entire teenage years in Guantanamo. A US judge ruled that his confession to throwing the grenade was tortured out of him. The Times quotes Jawad:

"I hadn't done anything — they took me for nothing. All I could do was hope that one day I'd be free and back home in Afghanistan with my mother.' When he was reunited with her, she refused initially to believe he was her son because he had changed so much, and fainted in a fit of hysterics, according to a family friend. Only when she came round and checked for a distinctive bump on the back of his head, did she embrace him as her offspring, said Sher Khan Jalalkhil, a close friend of Mr. Jawad's father."

Jawad won't get seven years back. Many others who died during US "interrogations" or torture conducted in "good faith" will not get their lives back.

Cole concludes his introduction to the memos with recommendations for action. Incredibly, he can't quite bring himself to recommend actually enforcing the law. And when he recommends a public hearing, he offers as a model the disastrous 9-11 Commission. But he is right that a public airing of what has been done with our money and in our name is called for.

And I hate to bring this up, but the man whose signature is at the bottom of the worst memos Cole reproduces, a certain Jay Bybee, is sitting as a federal judge in the Ninth Circuit, and the House Judiciary Committee just impeached another judge for groping his staff.

Now might be the time to [impeach Bybee](#) , to demand [prosecutions of Bush and Cheney](#) , and perhaps to tutor a few kids in reading.

