**AMERICANS SHOULD NEVER USE TORTURE. IN ANY CIRCUMSTANCES**

BY [**JAMIE BARNETT, REAR ADMIRAL USN (RETIRED)**](http://www.newsweek.com/user/18057) ON 6/7/15 AT 12:52 PM

In December 2014, the Senate Select Intelligence Committee issued a strong [report on the CIA’s use of torture](http://www.wsj.com/video/excerpts-from-senators-statements-on-cia-interrogation-program/4ABCFF87-B729-4C85-8EE2-51DAE4DD7CBE.html) on detainees between 2001 and 2006.  On Tuesday, we learned that the CIA used a much wider array of sexual abuse and other forms of torture than the Senate report described.

Because the CIA torture videotapes were destroyed, it is not surprising that revelations like this were not covered in the report. Nevertheless, the report’s findings and recommendations are still valid.

Especially controversial and provocative was the Senate committee’s finding that the euphemistic “enhanced interrogation techniques” did not result in useful or actionable intelligence. Critics have lashed out that it did result in critical intelligence, including the ultimate capture and elimination of Osama Bin Laden in 2011.

The claim that torture produced results is questionable at best, and expert interrogators dispute the claim.

But it doesn’t matter even if it were true. Even if we could get useful intelligence by torture, we should not. The mightiest, most resourceful nation on the planet can surely find other ways, other means of intelligence, something more innovative than medieval techniques to protect our nation and national interests. We always have.

In 1776, General George Washington witnessed the torture and execution of captured American soldiers by the British. He wept, and when he captured over 200 British soldiers in the later Battle of Trenton, he ordered that they be treated humanely. “Let them have no reason to complain of our copying the brutal example of the British army in their treatment of our unfortunate brethren,” Washington commanded.

It was a bravely articulated and principled action: at the time, it was far from clear that Washington was winning the war. He probably would have been executed as a traitor if America had lost.

As president, one of Washington’s first official actions was to sign the [Alien Tort Statute](http://www.law.cornell.edu/wex/alien_tort_statute), a key part of the [Judiciary Act of 1789](http://www.fjc.gov/history/landmark_02.html), allowing a remedy in federal court to non-citizens who had suffered violations of international law. The Alien Tort Statute is still used today against persons who have committed torture in other countries.

Without doubt, Washington would say that the U.S. was founded on a principle of not torturing enemies in our custody, even deadly enemies.

The current leaders in our military grew up hearing stories from fathers and grandfathers who served in World War II, true stories of torture that still shock the American psyche and sensibilities in books and movies, such as [*Unbroken*](http://www.imdb.com/title/tt1809398/). Following World War II, the U.S. brought charges of war crimes against persons who waterboarded Americans and other allied soldiers and used similar techniques as the CIA has used in this century.

The U.S. had another lesson in torture in Vietnam. The nation was shocked, at the time, by the torture of heroes like Senator John McCain and his cohort who survived the extreme treatment in North Vietnam. For whatever else anyone may think about the U.S. role in Vietnam, one thing was clear: We would not treat our POWs as the North Vietnamese treated American POWs.

Why do men and women risk, and sometimes lose, their lives by donning the cloth of our nation, the uniform of our Armed Forces? Many do it because they believe in doing something noble, moral and selfless and for a nation that stands out, different from other nations.

They all take an oath to support and defend the U.S. Constitution, a document that embodies what we are, how we are constituted. That Constitution contains the 5th Amendment, which provides us with the right to remain silent, the right not to incriminate ourselves when accused.

There are several historical reasons for this right, but one is to prevent exacting testimony by torture. Our founders and their successors have known and practiced this prohibition against torture. Until the 21st century.

We have so many reasons not to torture. It debases those individuals who do it. It debases the nation that authorizes it. It removes moral authority and legitimacy from any cause, no matter how worthy otherwise. It empowers and enflames the enemy and aids its cause.

It exposes our prisoners of war to the same or worse treatment without recourse on the international stage. Show me the military commander who would be willing to say that he or she is comfortable with American service members, captured in war, being subjected to the torture techniques used by the CIA, and I will show you someone who should not be in command.

It saddens me to hear our leaders depart from this history, this principle, this American value and to defend torture. It does not seem worthy of the Home of the Brave.

If we are brave, like Washington, let us have confidence in our ability to gain the intelligence we need, ruthlessly if necessary, but always morally. Spend the resources necessary, hire more people, develop and deploy new technologies, form the alliances needed.

But do not torture. It will define us. It damages us. It is not us.

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CRIMINAL JUSTICE ARTICLE QUESTIONS

ARTICLE: ***Americans should never use torture under any circumstance***

DIRECTIONS: Use the attached article to answer and respond to the following questions.

1. Why did the Senate Select Intelligence Committee issue a strong report on the CIA’s use of torture?
2. What did the Senate view as the primary problem with using “enhanced interrogation techniques?”
3. The author of the article argues, “*…even if we could get useful intelligence by torture we should not…”* What are the reasons he cites for not using torture as a way to get intelligence?
4. What early American President refused to use torture as a method to get information from our enemies?
5. What is the Alien Tort Statute?
6. What does the 5th Amendment guarantee?
7. How does the 5th Amendment protect people from torture? Explain.
8. What are at least 3 reasons the author of the article gives against the use of torture to get intelligence?
9. The article closes by listing alternatives to torture in order to get the intelligence we need to protect our country and its citizens. What are at least 3 alternative methods listed in the article?
10. *Critical Thinking:*  Should the United States use “enhanced interrogation techniques” to gather intelligence? Defend your answer.