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Shssh! Don't Tell Americans How We Treat "Enemy Combatants"

by Jacob G. Hornberger

The case of accused terrorist Jose Padilla is moving toward a jury trial on April 16 in U.S. District Court in Miami. It is still unclear whether the presiding judge in the case, Marcia Cooke, will order an evidentiary hearing on Padilla's motion to dismiss the charges based on the government's outrageous pre-trial conduct while Padilla was in military custody as an "enemy combatant" in the "war on terror." (Under post-9/11 jurisprudence, the government has the option of treating accused terrorists either as "enemy combatants" or as federal-court defendants.)

The government is doing everything it can to prevent the American people from learning what the U.S. military did to Padilla during his three years of pre-trial confinement. In fact, U.S. officials are doing the same thing with respect to "enemy combatants" that the CIA has been holding for years in its secret overseas prisons. They say the prisoners should not be permitted to reveal what the CIA has done to them because to do so would threaten "national security."

Meanwhile, the American people are walking through all this with an ambivalent numbness. Frightened after 9/11 over the prospect that "the terrorists" were coming to get them, many Americans were either silent or supportive when U.S. officials assumed the most powerful dictatorial tool possible — the power to arbitrarily take people into custody, torture them, and even execute them after a kangaroo proceeding. What never occurred to many Americans was that the military would have the authority to exercise this dictatorial power on them.

Not surprisingly, federal officials now want to keep Americans from learning the full extent of the federal government's post-9/11 power over them. That's why they used their plea bargain with John Walker Lindh, the "American Taliban," to prohibit him from revealing what they did to him while he was in pre-trial military custody. That's why they're fighting fiercely in the Padilla case to keep Americans from learning what they did to Padilla. That's why they're claiming "national security" to prevent accused terrorist Khalid Sheikh Mohammad and other CIA prisoners from describing the waterboarding and other "alternative" forms of interrogation to which they have been subjected.

Unfortunately, all too many Americans still don't want to know what U.S. officials don't want to tell them. It's much easier to continue walking in blind numbness and reassuring themselves with, "It can't happen here. This is America."

As the late psychiatrist M. Scott Peck pointed out, mental health involves an unwavering commitment to reality at all costs. Any hope of restoring a healthy, balanced, and free society requires that Americans fully confront the revolutionary changes that 9/11 has wrought in our nation, including everything that the government now has the power to do to Americans.

Reality is that the U.S. military now wields the power to take anyone, including American citizens, into custody as "enemy combatants" in the "war on terror" and to do everything to them that the CIA and the Pentagon have done to other "enemy combatants."

Reality is the power to subject American and foreign "enemy combatants" to extreme isolation and sensory deprivation over long periods of time. That's what those eerie [blacked-out goggles and earmuffs on Padilla](#) were all about.

Reality is the government's power to subject "enemy combatants" to waterboarding and similar forms of "alternative-interrogation techniques."

Reality is the government's power to inject substances into "enemy combatants." (Padilla says it was LSD they injected into him while the military says it was actually an inoculation against the flu.)

Reality is the government's power to not account for "enemy combatants" who have disappeared after being taken into custody. As Human Rights Watch attorney Joanne Mariner [recently wrote](#), there are many "enemy combatants" who are believed to have once been in CIA custody and who are now unaccounted for.

President Bush recently said that to combat terrorism, the federal government needs to continue spreading freedom around the globe. What he obviously meant was the "freedom" of the CIA and the Pentagon to continue taking "enemy combatants," both Americans and foreigners, into custody, treating them accordingly, and then keeping what they do to them secret from the American people and the world.

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This article was originally published in March 2007.