



11350 Random Hills Road, Suite 800, Fairfax, Virginia 22030 Phone (703) 934-6101 Fax (703) 352-3678

[fff@fff.org](mailto:fff@fff.org) [www.fff.org](http://www.fff.org)

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## **Celebrate Torture Day by Punishing Torturers** **by James Bovard**

Since 1997, every June 26 has been formally recognized as the International Day of Support for Victims of Torture. Political leaders around the globe take the occasion to proclaim their opposition to barbarism.

On June 26, 2003, President George W. Bush proudly declared: “The United States is committed to the worldwide elimination of torture, and we are leading this fight by example. I call on all governments to join with the United States and the community of law-abiding nations in prohibiting, investigating, and prosecuting all acts of torture and in undertaking to prevent other cruel and unusual punishment.”

This was one of the most fraudulent assertions since 1936, when the new Soviet constitution guaranteed Soviet citizens complete freedom of the press, freedom of speech, and freedom of assembly. But this “perfect constitution” did nothing to prevent Stalin from sending millions of people to their deaths in the Gulag and in front of firing squads.

Similarly, Bush’s anti-torture proclamation did nothing to stop his administration from formalizing perhaps the most brutal abuses in modern American history. Top Bush administration officials created twisted rationales to authorize simulated drowning, “walling” (throwing detainees up against a wall, repeated ad nauseam), sleep deprivation (as long as it did not last more than 11 days), head slappings, and other methods to shatter people’s will and resistance.

The fact that the Bush administration engaged in torture in Afghanistan, Iraq, Guantanamo, and secret prison sites around the world is now no longer in dispute. Unfortunately, the Obama administration is rapidly become complicit in Bush torture crimes.

President Obama is vigorously opposing proposals for a “truth commission” to investigate and expose the extent of U.S. interrogation abuses in the post-9/11 era.

After Obama promised not to interfere with a federal court ruling ordering the release of hundreds of photos of detainee abuses in Iraq and Afghanistan, he reversed himself last month and promised U.S. senators that he would do everything he could to assure that Americans never see the pictures.

Obama's Justice Department helped sway a federal appeals court to decree that top Bush administration officials have zero personal liability to British citizens allegedly tortured at Guantanamo. (At the same time, the Justice Department has trumpeted its role in convicting football star Michael Vick after he was accused of torturing dogs.)

CIA chief Leon Panetta is trying to persuade a federal judge not to suppress detailed information from almost a hundred videotapes of CIA "extreme interrogation" sessions. Panetta is fretting that disclosing the official documents would "constitute a clearly unwarranted invasion of personal privacy" of CIA torturers.

President Obama will probably make the usual huff-and-puff proclamation against torture on June 26. But as long as he is protecting the torturers and torture policymakers, any anti-torture assertion he makes will be worth less than a plug nickel.

Obama should either enforce the law or formally call for Congress to withdraw from the United Nations Convention Against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment. And if he chooses to follow that path, he should also urge Congress to repeal the 1996 Anti-Torture Act.

And to be honest with the American people about the nature of the government that rules them, Obama should demand a constitutional convention. If torture is de facto legal in America, the Eighth Amendment — which prohibits cruel and unusual punishment — must be repealed.

The Fifth Amendment will also need the ax, since it declares that no one "shall be compelled in any criminal case to be a witness against himself." The fact that both the Bush administration and the Obama administration are willing to use tortured confessions to prosecute so-called enemy combatants is proof positive that it is time to expunge this relic of bygone fastidiousness.

It is up to Obama to show that he takes U.S. law more seriously than Stalin took the 1936 Soviet constitution. If Obama denounces torture at the same time he is protecting the torturers, then Obama deserves to be hooted off the national stage.

*James Bovard is the author of [Attention Deficit Democracy](#) [2006] as well as [The Bush Betrayal](#) [2004], [Lost Rights](#) [1994] and [Terrorism and Tyranny: Trampling Freedom, Justice and Peace to Rid the World of Evil](#) (Palgrave-Macmillan, September 2003) and serves as a policy advisor for The Future of Freedom Foundation.*

**This article was originally published in June 2009.**