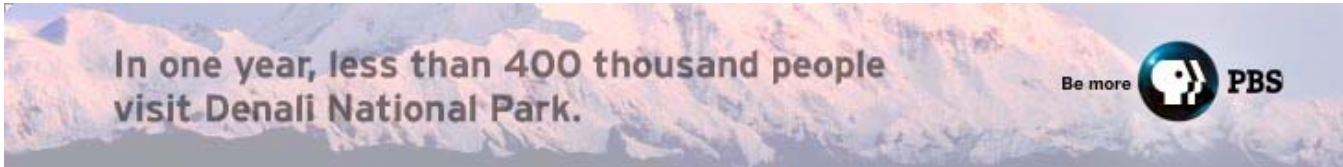


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What's this?



BILL *Moyers* JOURNAL

May 29, 2009

BILL MOYERS: Welcome to the Journal. You may have noticed that in all the recent debate over torture, many pundits and politicians alike have twisted themselves into verbal contortions to avoid using the word at all. In his speech to the conservative American Enterprise Institute last week, former Vice President Dick Cheney used one particular euphemism twelve times.

DICK CHENEY: In top secret meetings about enhanced interrogations, I made my own beliefs [...] enhanced interrogation [...] enhanced interrogations [...] enhanced interrogation [...] enhanced interrogation [...] facts on enhanced interrogation [...] the urgency and the rightness of enhanced interrogations in the years after 9/11.

BILL MOYERS: Smothering the reality of torture in euphemism of course has a political value. The enablers can use it to diminish the horror and possible lawlessness. Partisans use it to divert our attention by turning the future of, say, the Guantánamo prison into a "wedge issue," as the New York Times reported in this front page article. No political party would be bold enough to make torture the cornerstone of its rejuvenation if people really understood what it is. And lest we forget, we're not just talking about waterboarding, itself a trivializing misnomer for drowning.

There is one way to know what torture is, and what it does to human beings, and that's to look at it squarely, without flinching. That's what we'll do on this edition of the Journal, with excerpts from a powerful and important film, "Torturing Democracy," by one of America's outstanding documentary reporters, Sherry Jones. A longtime colleague, she and the film were honored this week with the prestigious RFK Journalism Award from the Robert F. Kennedy Center for Justice and Human Rights. "Torturing Democracy" was cited for its "meticulous reporting," and described as "the definitive broadcast account of a deeply troubling chapter in recent American history."

Some of what you're about to see is hard to take, but a willingness to face the truth is what makes viewers like you important to the country and to public television.

PRESIDENT BUSH: More than two weeks ago, I gave Taliban leaders a series of clear and specific demands. None of these demands were met and now the Taliban will pay a price.

NARRATOR: The assault on the Taliban in Afghanistan was built around American air power - and U.S. agents on the ground calling in the shots. But as Osama bin Laden and al Qaeda disappeared into the rugged mountains on the Afghan/Pakistan border, the Pentagon increasingly relied on bounty hunters.

Tens of thousands of leaflets promising "enough money to take care of your family and your village for the rest of your life" were dropped by psychological ops teams.

JAVED IBRAHIM PARACHA: Where is Arab? Where is Arab? Where is Arab? Thousand dollar for one Arab. Thirty thousand, forty thousand, sixty thousand.

[...]

NARRATOR: Any Arab in the region was at risk of being turned in as a terrorist.

SHAFIQ RASUL - DETAINEE #086: As soon as we were handed over to the U.S. military, they tied our hands behind our back and put sacks over our heads.

NARRATOR: Twenty-four-year old Shafiq Rasul was among hundreds of men who had been rounded up by a warlord in northern Afghanistan.

SHAFIQ RASUL - DETAINEE #086: We couldn't see what was going on. We couldn't see anything around. We didn't know where they were taking us. We didn't know what was happening.

[...]

WORDS OF MOHAMED MAZOUZ - DETAINEE #294: We were hauled like animals, one drawing the other in its walk.

WORDS OF JUMAH AL-DOSSARI - DETAINEE #261: They started making us run towards the unknown. The prisoners started shouting and crying because of their severe pain. There were many young people with us, and the soldiers increased their insults and beatings.

MOAZZAM BEGG - DETAINEE #558: Over the noise and the din of the engines, the screaming of the soldiers. Profanity, swearing, the flashes that could be made out even despite wearing a black hood over my head, of trophy pictures being taken.

NARRATOR: In Washington, the question of what to do with the captives grew urgent. And the Vice President grew impatient. While he led a ceremony marking Veteran's Day, behind the scenes, his legal counsel crafted a plan that would deny the prisoners access to America's civilian - and military - justice.

[...]

NARRATOR: General Tom Romig was one of the top military JAGs pushed to the side - from the beginning.

GENERAL THOMAS ROMIG: Some of the things they were initially talking about were very draconian. There were issues about how many members of the panel did it take to convict, and then sentence, to death.

NARRATOR: General Romig convened an urgent meeting of senior military lawyers to war game how to respond to a far-reaching military order.

GENERAL THOMAS ROMIG: We had hoped we could make a difference in changing a number of things in there. We didn't.

NARRATOR: They didn't, in part, because the Vice President had convened a meeting of his own to finalize the plan.

[...]

Within forty-eight hours, Cheney took the four-page order to the weekly lunch he and President Bush privately shared. Less than two hours later, it was signed by the commander in chief.

The President, it said, had the unilateral power to declare that all prisoners were war criminals. And, further, they "shall not be privileged to seek any remedy...in any court of the United States...or any international tribunal."

They could be held indefinitely - and would be tried, if at all, in a new process with new rules. Conviction could mean "life imprisonment or death."

[...]

VICE PRESIDENT CHENEY: We think it's the appropriate way to go. We think it guarantees that we'll have the kind of treatment of these individuals that we believe they deserve.

RICHARD SHIFFRIN: That, of course, was premised on the idea that everyone we captured and detained really was a bad person. As it turns out, a large percentage of them were merely shepherds.

NARRATOR: A violation of Geneva's Article 3 ban on torture is a war crime under U.S. law.

MARTIN LEDERMAN - LEGAL ADVISER, DEPARTMENT OF JUSTICE (1994-2002): The prohibition in the Geneva Conventions against cruel treatment turns out to have been probably the most important of the legal restrictions that the Bush administration had to deal with.

NARRATION: Martin Lederman was a senior adviser in the Justice Department at the beginning of the Bush Administration.

MARTIN LEDERMAN: In this administration, President Bush has, by all accounts, been quite forthright in that he's asked his lawyers not to give him the best view of the law, but instead, to push the envelope. The metaphor that they've used is to go as close to the legal line as possible without going over. So the metaphor they've come up with is to "get chalk on one's spikes."

[...]

NARRATOR: On January 9th, 2002, in the first of a series of opinions that would provide legal cover for coercive interrogations, John Yoo began to push the envelope.

MALE VOICE: Customary international law of armed conflict in no way binds the President or the US Armed Forces concerning the detention or trial of members of al Qaeda and the Taliban.

NARRATOR: In other words, the President has the power to suspend - or simply ignore - the fundamental laws of war. That includes Geneva and its guarantees of basic human rights to prisoners and civilians alike.

RICHARD ARMITAGE - DEPUTY SECRETARY OF STATE (2001-05): Our views were well known in this matter. We were not on board.

NARRATOR: Richard Armitage served three combat tours in Vietnam.

RICHARD ARMITAGE: For the most part, the Department of State was left out of this discussion, I think precisely because we'd have no part of it.

NARRATOR: The State Department's top lawyer called John Yoo's legal reasoning "seriously flawed" - and warned that if heading to the dark side meant violating Geneva:

MALE VOICE: This raises a risk of future criminal prosecution for US civilian and military leadership and their advisers, by other parties to the Geneva Conventions.

NARRATOR: That is, if officials - including President Bush - were accused of torture or inhumane treatment, they could be prosecuted for war crimes.

On February 7th, 2002 - for the first time in history - President Bush declared that the United States would not be constrained by Geneva's prohibitions against cruel and inhumane treatment. None of the prisoners in U.S. custody would be protected by the laws of war.

In a far corner of the U.S. military base at Bagram in Afghanistan, a former Soviet machine shop had been converted into a prison. There, Moazzam Begg would be interrogated by American agents using tactics that had been refined in the prison camps of Stalin's Soviet Union.

MOAZZAM BEGG - DETAINEE #558: The hands would be placed right above the head, and tied or shackled to the top of the door, which was the entrance to the cage.

I saw people who literally were no longer able to physically sustain that position and just

hung off limp. The entire weight of their body being held by their wrists.

CLIVE STAFFORD SMITH - DIRECTOR, REPRIEVE, LEGAL RIGHTS NGO: That goes back to the Middle Ages. It was called strappado by the Spanish Inquisition.

NARRATOR: Clive Stafford Smith has represented more than forty prisoners in U.S. custody during the war on terror, including Moazzam Begg.

CLIVE STAFFORD SMITH: And it basically dislocates your shoulders slowly and very painfully.

[...]

MOAZZAM BEGG - DETAINEE #558: I would be interrogated at any given time of the day or night, unannounced. An interrogator would walk in and tell me to get up. The guard would make sure I would be seated or standing, depending on how long I'd been in either position.

NARRATOR: A floodlight was aimed into his cell twenty-four hours a day.

MOAZZAM BEGG - DETAINEE #558: You want to fall asleep. You want to do anything in order that you can just lie down in the corner no matter how hard the floor is, how cold it is, no matter how uncomfortable sleep would be with shackles on your arms and legs.

NARRATOR: Depriving a prisoner of sleep also has a name from the Middle Ages - "tormentum insomniae."

MOAZZAM BEGG - DETAINEE #558: It goes beyond being scared now. You just want to sleep. They produced pictures of my wife, my children, and waved these pictures in front of me, asking me if I knew what had happened to my wife and kids that night. If I thought they were safe, if I thought I'd ever see them again. If I really cared about them so much, I would tell them everything.

NARRATOR: A woman began to scream in a nearby cell. Threats against a prisoner's family were called "second degree torture" during the Spanish Inquisition, and were commonly used by the Soviet KGB. For two days and two nights, he heard the woman he thought might be his wife being tortured.

MOAZZAM BEGG - DETAINEE #558: If there's any point in my life that I wanted to kill somebody, it was this point. And if I could have got those shackles around their necks, I would have done so and got out to the next room just to stop what's happening.

NARRATOR: During the eleven months Moazzam Begg was imprisoned in Bagram, at least two men in U.S. custody there died.

In Guantánamo, he was locked into a six-by-eight foot cage where he would spend the next two years, in isolation. His nightmares were filled with the screams of a woman.

MARTIN LEDERMAN: When the White House and the Vice President's office were, in 2002, urging the CIA to engage in a detention and interrogation program - something they apparently had not ever done before - and to use techniques that appeared on their face to violate several different legal restrictions. The CIA quite understandably said, "We're not going to do that, unless we are given some assurance by lawyers within the Justice Department that this is lawful."

NARRATOR: The agency insisted on what one official called a "golden shield." On August 1st, 2002, they got it - in an opinion requested by the White House and delivered by John Yoo's office in the Justice Department. The Vice President's lawyer had framed the core premise:

MALE VOICE: Congress can no more interfere with the President's conduct of the interrogation of enemy combatants than it can dictate strategic or tactical decisions on the battlefield.

NARRATOR: That is, any attempt by Congress to interfere with a Presidential order - even if it crossed the line into torture - would be unconstitutional. And any interrogation would

be legal unless it caused pain that was "equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death."

COLONEL LAWRENCE WILKERSON: If you define torture as organ damage, death or almost death, then you can stand up and say that you don't do torture. And I think that's what they were doing.

NARRATOR: In secret White House meetings chaired by National Security Advisor Condoleezza Rice, a committee of top officials that included Vice President Cheney, Defense Secretary Rumsfeld and CIA director George Tenet, reviewed - and approved - the specifics of harsh interrogations.

Many of the proposed techniques were based on the military's secret "SERE" training - "Survival, Evasion, Resistance and Escape" - for Americans at risk of capture by torture regimes.

In 2002, at a secret jail in Thailand, contractors whose expertise was in the Army's SERE torture resistance training - not interrogation - led the CIA'S mental demolition of Abu Zubaydah. He was confined in a cage called a "dog box" - so small he could not stand. The Red Hot Chili Peppers were blasted at full volume for hours on end.

COLONEL STEVEN KLEINMAN: If our purpose was, as interrogators, to do what the KGB was doing much of during the show trials - and that is to force somebody to comply and create propaganda - then they're great. They'd be perfect. But that's not what we're after. We're after intelligence information which is true.

NARRATOR: Abu Zubaydah was stripped naked, held in frigid cells, doused with cold water. Video cameras recorded him 24 hours a day.

COLONEL STEVEN KLEINMAN: Did the CIA not understand the difference between SERE resistance training and interrogation for intelligence purposes? And if they didn't, I can't - I find that shocking.

NARRATOR: The agency was on tenuous legal ground, as well, and so insisted on high-level authorization for each new step, including one of the harshest SERE techniques: waterboarding. It was the newly-coined term for the centuries-old water torture.

MALCOLM NANCE: There's no simulation here. It's controlled drowning. Water is entering your system. It can overload your ability to gag it out.

RICHARD ARMITAGE: There is no question in my mind - there's no question in any reasonable human being, there shouldn't be, that this is torture. I'm ashamed that we're even having this discussion.

NARRATOR: Though the Administration would later admit that Abu Zubaydah was one of three prisoners who were waterboarded, hundreds of hours of videotape of his interrogation had been destroyed. And that meant any evidence of the water torture - a felony under US law - had been destroyed as well.

In the Gambia in West Africa - far from Washington and the battlefield in Afghanistan - the great-grandson of a former prime minister of Jordan had been arrested when he arrived from London on a business trip.

Bisher al-Rawi was held by Gambian authorities for a month until December 8, 2002.

BISHER AL-RAWI - DETAINEE #906: Two Gambian agents, they sort of stand me up, and we start walking. And boom, two big guys grab me and start dragging me.

NARRATOR: The "two big guys" were Americans. Al-Rawi had been swept up in a covert CIA program to nab suspects and move them to countries where they would be interrogated outside the law. Like hundreds of men abducted in so-called "extraordinary renditions," al-Rawi was "good to go" in just twenty minutes.

Trussed like an animal and surrounded by American agents, he was loaded onto a Gulfstream jet bound for one of the CIA's secret "black sites."

WORDS OF BINYAM MOHAMED - DETAINEE

1458: "Throughout the entire flight, I was on the verge of screaming. I was terrified."

NARRATOR: Near Kabul in Afghanistan, in the dead of winter, al-Rawi was thrown into an unheated underground cell.

Unknown numbers of men - some who ended up in Guantanamo, others who have since disappeared - were held in what they themselves called the "prison of darkness."

WORDS OF BINYAM MOHAMED - DETAINEE

1458: They hung me up. I was allowed a few hours of sleep on the second day, and then hung up again, this time for two days. My wrists and hands had gone numb... After a while I felt pretty much dead. I didn't feel I existed at all.

NARRATOR: The occasional beam from a guard's flashlight was all that pierced the dark and frigid cells.

BISHER AL-RAWI - DETAINEE #906: You do not know what you're losing, you know, not being able to see. You have to use your senses, all of them. It was a very, very difficult place to handle.

NARRATOR: It was, one prisoner said, "as if you were inside a tomb." Except for the sound. Speakers in every cell blasted non-stop, around the clock, for days that turned into weeks.

BRENT MICKUM - ATTORNEY, SPRIGGS & HOLLINGSWORTH: We're talking about never essentially being allowed to ever fall asleep soundly.

NARRATOR: Brent Mickum was Bisher al-Rawi's pro bono American attorney.

BRENT MICKUM: So that, you know, you get to the point where you will say anything to try and be allowed to get some sleep. And what everyone has told me, they have no idea what they may have said. I mean, you're just not lucid. I mean, they could ask, you know, did you assassinate George Bush? And they would say, "Yeah...yeah...yeah."

NARRATOR: When he arrived in the light and heat of Guantánamo, al-Rawi assured other prisoners that the worst was over.

BISHER AL-RAWI - DETAINEE #906: That hope, that human hope, natural hope that gosh, you know, maybe it's going to get better. Unfortunately, unfortunately, every time you think it's going to get better, it was getting worse.

BILL MOYERS: Difficult to watch, difficult to hear, but this is the kind of broadcast journalism - relying as it does on indefatigable research and reporting - that you get on public television. To make sure documentaries like this continue to be available to you, every public television station needs your support. So pick up your phone or go to your computer and make a pledge to this station right now. Thank you.

[NOT ALL VIEWERS MAY SEE THIS CONTENT]

BILL MOYERS: Here at the Journal, we enjoy hearing your feedback. So tonight we turn again to some of the thought-provoking comments we've received from viewers like you in recent weeks. In April we heard from former regulator William K. Black, who argued that the American economy was brought down not just by greed and incompetence in the financial sector, but by fraud.

WILLIAM K. BLACK: Fraud is deceit. And the essence of fraud is, "I create trust in you, and then I betray that trust, and get you to give me something of value." And as a result, there's no more effective acid against trust than fraud.

BILL MOYERS: Here are some of your comments.

DAVID YOUNG: As a conservative, I honestly have never really known what I believe

regarding "regulation." I've always deemed it a scary, hairy, monster that keeps economic growth at bay. However, in light of recent times I'm finding that I am required to open my mind a bit...I appreciate your interview with Mr. Black as a hopeful catalyst for changing this current world.

ALLEN LEE: I listened to the Bill Black interview and was not really surprised but certainly disturbed by the blatant disregard and self-serving mindset of powerful men in powerful places...I can only hope that justice finds a way to be served.

BILL MOYERS: My conversation with David Simon, the creator of the acclaimed HBO series THE WIRE, prompted viewers to share their thoughts on crime in our nation's cities and on the future of journalism.

DAVID SIMON: As a reporter I got to see the war on drugs, I got to see policing as a concept, and I got to see journalism. You see how interconnected things are. How connected the school system is to the culture of the corner.

RICHARD SENFT: Mr. Moyers' interview with David Simon of THE WIRE was an outstanding analysis of what is wrong with our cities, schools, drug policies, and economy. If only our public dialog were of this depth and clarity, we would be well on our way to solving these problems.

KATHY DALY: I was struck by David Simon's comments that we were not asking the hard questions about where we are and how we got that way...He may mistakenly believe that he is somehow operating outside of these institutionalized structures...but isn't he more a part of the problem by feeding that profit-making system and presenting these critical issues to the public as some kind of pop-cultural cookie?

BILL MOYERS: And finally, a few weeks ago the sociologist Sara Lawrence-Lightfoot spoke with me about what she calls THE THIRD CHAPTER, and the need to change our attitudes toward aging.

SARA LAWRENCE-LIGHTFOOT: All of us, at this point, to some degree, I think, are on a search for meaningfulness, for purposefulness. And we want to find what this next 25 years, this, in fact, penultimate chapter of our life is going to be about. And we're ready for something new, for a new experience, for a new adventure.

J.B. HUNT: I turn 50 next month. Dr. Lawrence-Lightfoot's interview provided me with a framework for moving forward with zest and vitality, rather than doubt and fear. Thanks a million and one.

CHARLES FIELD: The interview with Sara-Lawrence Lightfoot was inspiring and captivating. Her observations about the inquiring mind...[are] what true leadership is all about. The willingness to listen to others, to be open to persuasion, to invite others into our conversations, lay the foundations for an ethical and healthy democracy.

ELLEN GRYPECK: At 72, I too am searching for a meaningful life...but I plan on many more good years. Why say The Third Chapter ends at 75? The desire for a meaningful life, through personal challenges or giving of ones self are always with us.

BILL MOYERS: Keep telling us what you think of the Journal - by mail, e-mail, or on the blog at PBS.org and we'll keep reading.

[END OF SPECIAL CONTENT]

ANNOUNCER: We now return to Bill Moyers in the studio.

BILL MOYERS: We now continue with excerpts from the documentary "Torturing Democracy," written and produced by Sherry Jones. The film is a stark account of the detention and torture - for that's what it is, torture - of prisoners in the War on Terror who were held at Guantánamo, Abu Ghraib and in secret CIA "black sites" overseas. But in addition to its depiction of brutality, "Torturing Democracy" also credits the brave few who stood up to those in power and said, "No." In Washington, Alberto Mora, the Navy's top civilian lawyer, challenged Jim Haynes, the Pentagon's general counsel.

NARRATOR: In early January, 2003, in a move guaranteed to be reported straight to the Vice President's office, and so at considerable risk to his career - Alberto Mora drafted a

memo calling the tactics still being used at Guantánamo: "at a minimum, cruel and unusual treatment and, at worst, torture."

NARRATOR: On January 15th, he told Jim Haynes that if the interrogations were not halted, he would sign the memo - exposing the Administration's policy.

ALBERTOR MORA: Jim pushed the memorandum back at me in its envelope and said, "I don't know what you're trying to accomplish with this," which was an astonishing comment. And then he said, "Well, I'm happy to inform you that the Secretary is considering rescinding his authorities." So I said, "Considering?" And then he said, "I know, I know. Let me get back to you."

NARRATOR: To defuse the growing rebellion inside the Pentagon, Rumsfeld did suspend approval of the harshest tactics. And he asked the military's top lawyers to weigh in on interrogations - a year after the first prisoners had arrived at Guantánamo.

GENERAL THOMAS ROMIG: We only had one conversation with Mr. Rumsfeld. He came in and gave us a pep talk. And basically said this is so important, and what you're doing will affect the United States for years to come. And it was, I thought it a little strange that we were getting a pep talk on something like this. Maybe it was an attempt to get us to do what they wanted to do politically.

NARRATOR: In fact, Jim Haynes had already turned to the War Council's reliable scribe, John Yoo. And Yoo wrote an 81-page legal opinion expanding the still secret "torture" memo. He now added, for example, that the President had the authority to approve tactics that could include drugging a prisoner, as long as the drugs did not: "create a profound disruption...substantially interfering with his cognitive abilities or fundamentally altering his personality."

And, that to violate US law against maiming - "cutting, biting, slitting" - must be specific "to the body part the statute specifies ...the nose, ear, lip, tongue, eye or limb."

Alberto Mora asked John Yoo to meet him in the Pentagon.

ALBERTOR MORA: And as he was talking, I was becoming more concerned and more alarmed, and ultimately I asked him the question, "Well, John, does this mean the President has the authority to order torture?" And he said, "Yes."

NARRATOR: Yoo's memo pushed even further, opining that anyone prosecuted for following the President's orders would be legally protected.

GENERAL THOMAS ROMIG: There isn't a court internationally or in the United States that would support that theory. If you've committed an act of torture or war crime, but because you believe you are operating under the umbrella of a presidential war powers, the commander in chief war powers, you're immune. The commander-in-chief doesn't have the power to make that which is illegal under the law of war, legal.

NARRATOR: But Jim Haynes ordered a report based on John Yoo's assertions.

ALBERTOR MORA: Jim Haynes invited me to speak to him privately as to my thoughts. I said, "If I were you, I'd put this in a desk drawer. I'd never, never let it see the light of day again. Just let it go away."

GENERAL THOMAS ROMIG: I was told, that, you know, we're not going to go forward on it, everything's on hold, you've been listened to, and many of those techniques that were at the extreme end are now out the window.

ALBERTOR MORA: We thought we had won. The word from Guantánamo was that the abuse of prisoners had stopped.

NARRATOR: In fact, they had lost. And they had been deceived. The top military lawyers would not find out for more than a year that in April, 2003, Rumsfeld had secretly given the go-ahead to use 24 harsh interrogation techniques at Guantánamo.

Interrogators at the prison camp had their own "golden shield" - immunity from prosecution, in advance.

COLONEL STUART COUCH - SENIOR PROSECUTOR, OFFICE OF MILITARY COMMISSIONS (2003-06): I looked down the hall. And I heard this head-banger music blaring out. And I could see what appeared to be, like strobe light coming out of the doorway.

NARRATOR: Colonel Stuart Couch, a military prosecutor who had gone through SERE training as a Marine, visited the prison camp to hear evidence on a case he'd been assigned.

COLONEL STUART COUCH: And so I walked down the hallway and the door was open. And I saw a detainee sitting on the floor. He was shackled. And the room was blacked out with exception of the strobe light. And he was just, he was rocking back and forth.

[...]

There was an Air Force attorney that was accompanying me, giving me the tour. And I just said, "Did you see that?" And he goes, "Well, yeah." And I said, "You know, I got a problem with that." And he goes, "Well, that's approved."

NARRATOR: Colonel Couch was not the only one troubled by the tactics Secretary Rumsfeld had approved. FBI agents at the prison camp were keeping what they called a "war crimes" file - noting what they witnessed.

MALE VOICE: I entered interview rooms to find a detainee chained hand and foot in a fetal position to the floor, with no chair, food, or water. Most times they had urinated or defecated on themselves, and had been left there for 18, 24 hours or more.

On another occasion... the temperature in the unventilated room (was) probably well over 100 degrees. The detainee was almost unconscious on the floor, with a pile of hair next to him. He had apparently been literally pulling his own hair out throughout the night.

A detainee... said a female interrogator, after not getting cooperation from him, called four guards into the room. While the guards held him, she embraced the detainee from behind and put her hand on his genitals and she wiped [what he thought was menstrual] blood from her body on his face and head.

[...]

MALCOLM NANCE: We have re-created our enemy's methodologies in Guantánamo. It will hurt us for decades to come. Decades. Our people will all be subjected to these tactics, because we have authorized them for the world now. How it got to Guantánamo is a crime and somebody needs to figure out who did it, how they did it, who authorized them to do it, and shut it down. Because our servicemen will suffer for years.

COLONEL STUART COUCH: God means what he says. And we were created in his image, and we owe each other a certain level of dignity -- a certain level of respect. And that's just a line we can't cross. We compromise our own ideals as a nation, then these guys have accomplished much more than driving airplanes into the World Trade Center and into the Pentagon.

NARRATOR: When the abuse of prisoners at Abu Ghraib was exposed in April, 2004, the administration tried to direct attention away from the question of torture. Blame was pointed toward the young MPs.

PRESIDENT BUSH: I share a deep disgust that those prisoners were treated the way they were treated. Their treatment does not reflect the nature of the American people. That's not the way we do things in America. And so I, uh, I didn't like it one bit.

NARRATOR: But, there are the photographs. Images that portray tactics earlier approved by the chain of command - and covered by legal opinions initiated in the White House.

In the aftermath of Abu Ghraib, the military reasserted its ban on the harsh methods prohibited by its Army Field Manual on Interrogation.

The secret Justice Department memos that provided legal cover by trying to define torture out of existence had been withdrawn.

Then, In December, 2004, the newly-re-elected President nominated Alberto Gonzales, one of the War Council's five lawyers, to be Attorney General of the United States.

SENATOR RICHARD DURBIN: Can U.S. personnel legally engage in torture under any circumstances?

ALBERTO GONZALES: I suppose without - I don't believe so, but I'd want to get back to you on that and make sure that I don't provide a misleading answer.

NARRATOR: But mislead he did. Soon after Gonzales was sworn in, the Justice Department secretly issued a new legal opinion renewing the CIA's "golden shield" to use the harsh tactics the President called "alternative interrogation techniques."

It had been more than three years since the first prisoners arrived in Guantánamo.

VICE PRESIDENT CHENEY: They've got a brand new facility down at Guantánamo. We spent a lot of money to build it. They're very well treated down there. They're living the tropics. They're well fed. They've got everything they could possibly want. There isn't any other nation in the world that would treat people who were determined to kill Americans the way we're treating these people.

[...]

NARRATOR: After two years of interrogations with no end in sight, Bisher al-Rawi refused to be questioned again. He was labeled "non-compliant" and moved to Camp Five, where prisoners were confined alone at least twenty-two hours a day. They were not in solitary confinement, the Pentagon insisted, but simply held in "single-occupancy cells."

BISHER AL-RAWI - DETAINEE #906: And they just leave you there in a cell, concrete cell, with nothing. And you're shivering, like you can take it for an hour or two, maybe a day, you sleep and you're shivering.

[...]

NARRATOR: Al-Rawi's cell was lit 24 hours a day. At times the air conditioning was turned off and he was left to swelter in the tropical heat; at others, it was set to blow frigid air and, as punishment, his jumpsuit was taken away.

After a year in solitary, al-Rawi began incessantly pacing back and forth in the tiny cell, talking to himself, laughing maniacally.

BISHER AL-RAWI - DETAINEE #906: You push him, you deprive him of his senses. You deprive him of his -- of life. And then the point could come when he will just flip. And then your mind will just say, that is it. I'm finished. I'm done.

NARRATOR: His lawyers feared al-Rawi was slipping into a madness that would be permanent. If that happened, it would be the terrible proof that, even by the Administration's narrow definition, he had been mentally tortured.

PRESIDENT BUSH: This debate is occurring because of the Supreme Court's ruling that said that we must conduct ourselves under the Common Article 3 of the Geneva Convention. And that common Article 3 says that, you know, there will be no outrages upon human dignity. It's very vague. What does that mean - "outrages upon human dignity?" That's a statement that is wide open to interpretation.

NARRATOR: In 2006, the Supreme Court ruled that Guantánamo's detainees were entitled to the protections of the Geneva Conventions. One Justice warned that "violations of Common Article 3 are considered 'war crimes.'"

WHITE HOUSE ANNOUNCER: Ladies and gentlemen, the President of the United States and the Vice President of the United States.

NARRATOR: But just weeks before the midterm elections, stampeded by the threat of looking weak on terrorism, Congress once again bowed to the Administration's policy of cruelty.

PRESIDENT BUSH: It is a rare occasion when a President can sign a bill he knows will save American lives. I have that privilege this morning.

NARRATOR: The new law stripped the courts of the power to hear cases based on Geneva. And, in a provision that had been pushed hard by the Vice President, it granted retroactive immunity to U.S. officials who might have carried out - or ordered - torture.

In March, 2004, after 832 days in U.S. custody, Shafiq Rasul had been flown home from Guantánamo. British authorities released him without charge.

In January 2005, Moazzam Begg was released. He had been in U.S. custody, without being charged, for more than one thousand days.

On March 30th, 2007, Bisher al-Rawi was once again trussed like an animal and hustled aboard a plane. This time, he was headed home. He had been in U.S. custody four years, four months and 22 days.

[...]

On June 12, 2008, the Supreme Court once again rebuked the Administration, ruling that Guantánamo's prisoners have the constitutional right to challenge their detention. None of the prisoners will be automatically - or quickly - released. But the White House will now have to answer for their treatment - and its practices - in U.S. federal courts.

WORDS OF FAWZI AL-ODAH - DETAINEE #232: I have become an old man here. Death in this situation is better than being alive and staying here without hope.

BILL MOYERS: Since "Torturing Democracy" was first shown on some public television stations, much has happened.

President Obama has announced he will close Guantánamo by next January, with the particulars to come later in the summer. That was enough to set off hysteria among Democrats and Republicans alike who don't want the remaining 240 detainees on American soil - even in a super maximum-security prison, the kind already holding hundreds of terrorist suspects. The President also triggered criticism from constitutional and civil liberties lawyers when he suggested that some detainees may be held indefinitely, without due process.

In another revealing and disturbing development, the former chief of staff to Colin Powell, Lawrence Wilkerson - whom you saw in "Torturing Democracy" - has suggested what is possibly as scandalous a deception as the false case Bush and Cheney made for invading Iraq. Colonel Wilkerson writes that in their zeal to prove a link between al Qaeda and Saddam Hussein during the months leading up to the Iraq War, one suspect held in Egypt, Ibn al-Shaykh al-Libi, was water tortured until he falsely told the interrogators what they wanted to hear, although it wasn't true.

That phony confession wrung from a broken man was then used as evidence in Colin Powell's infamous address to the United Nations shortly before the invasion of Iraq in 2003. Colin Powell says everything in his speech was vetted by the CIA and that Wilkerson's allegation is only speculation. We'll never know the full story - al-Libi died three weeks ago in a Libyan prison. A suicide, or so they say.

No wonder so many Americans clamor for a truth commission that will get the facts and put them on the record, just as this film has done. Then we can judge for ourselves. If the truth embarrasses us in the short run, in time it could demonstrate the strength of our democracy and reaffirm our rule of law.

That's it for the JOURNAL. Log onto the [Moyers Web site at pbs.org](http://www.pbs.org/moyers) and we'll link you to the [entire "Torturing Democracy" documentary](#). I'm Bill Moyers. See you next time.

[CREDITS]

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