



Obama's ban on torture: Minnesotans played a role



REUTERS/Ali Jasim The abuse of prisoners at Abu Ghraib prison in Iraq and reports of some interrogation tactics shocked many Americans.

By Sharon Schmickle | Friday, Jan. 30, 2009

On June 24, 2007, Douglas Johnson from Minneapolis sat at a dinner in Washington, D.C.'s, historic Tabard Inn, brainstorming strategies for stopping coercive interrogation tactics the White House had authorized in the name of fighting terror.

No point in mincing words. They were talking about torture.

On Jan. 22 this year, President Obama sat a few blocks from the scene of that dinner and signed an executive order banning the interrogation tactics at issue.



Many Americans know the arc of the events leading up to Obama's order. But few know the behind-the-scenes work it took to build support that would help the new president end a practice which had bitterly divided the nation.

The idea of an executive order on torture first surfaced in the upstairs dining room of the Tabard Inn where Johnson and some 15 others had gathered amid antique furnishings that called to mind America's traditions.

Eventually, the idea was to win support from Republicans and Democrats, former defense secretaries, CIA officers and secretaries of state as well as human rights advocates, legal scholars and clergy members from many denominations and faiths.

Looking back at the beginning Johnson — who is the executive director of the Center for Victims of Torture — doesn't take credit for the idea. It started, he said, with Marc Grossman who had been Undersecretary of State for Political Affairs during the first term of former President George W. Bush.

Revelations of abuse

Bush had declared in 2002 that fighters for al-Qaeda and the Taliban were not protected under the Geneva conventions' prohibitions against torturing prisoners of war and treating them in cruel, humiliating and degrading ways. Even so, Bush said, detainees would be treated in a manner consistent with the principles of the Geneva conventions.

But evidence to the contrary mounted through revelations of abuses at

Abu Ghraib prison in Iraq and the U.S. detention facility at Guantanamo Bay. Then, in 2007, Bush acknowledged that the CIA had maintained secret prisons overseas. Reports surfaced that detainees in those lockups had been subjected to waterboarding (a near-drowning experience) and other tactics that shocked many Americans.

With presidential elections coming up, the stage was set for Johnson and others at the dinner to thrust the issue into the political dialog. A proposed presidential order could be the vehicle.

"We had a good debate about the whole idea of an executive order," Johnson said.

Endangers troops and the country

The next day Johnson made rounds on Capitol Hill with Alberto Mora, former general counsel of the United States Navy. Before he retired in 2006, Mora had led an effort in the Pentagon to stop the Bush administration's coercive interrogation tactics, which he considered to be illegal.

Johnson called his Capitol Hill tour with Mora "one of the most frightening days of my life."

In their meetings with senators and Intelligence Committee staffers, Mora stressed points that were to become part of the argument for the presidential order: If the United States undermined international law against torture then its own troops lost the protection of the law. An enemy who knows surrender might bring torture will fight longer and kill more people. And the country was losing intelligence sources because allies no longer were willing to turn over people for interrogation.

"He was very clear that the United States had lost important intelligence information," Johnson said.

Security and moral grounds

In the following weeks, the group courted support on two fronts. They recruited experts on national security and defense who had argued convincingly that the use of torture made the nation less safe, not the opposite.

"The moral issues had to be clear as well," Johnson said. "There are certain things you just don't do."

The Bush administration had claimed that its interrogations extracted life-saving information. But Roman Catholic leaders and many in other faiths taught that torture was intrinsically evil and it could not be justified by any benefit that could be derived from it.

For voices to sound that view, the group reached out to churches, synagogues and mosques including congregations in Minnesota. Center for Victims of Torture was a lead organization, along with The National Religious Campaign Against Torture and Evangelicals for Human Rights.

A beginning framework

Back in Minneapolis, Johnson wrote a first draft of the principles that would form the foundation for a presidential order. He passed that draft to Evangelicals for Human Rights.

"It went through many iterations before we had what we thought was a strong set of principles," Johnson said.

Then they called upon prominent lawyers, including Harry McPherson, who had been White House legal counsel to President Lyndon Johnson, and William H. Taft IV, who had been deputy secretary of defense in President Ronald Reagan's administration.

"Their task was to write an executive order we could use as an offering to who ever won the election, as a framework to get going," Johnson said.

The grassroots campaign

The campaign went public on June 25, 2008. Its declaration of principles for **a presidential order** was signed by former secretaries of state and defense, 50 retired generals and admirals, former CIA officials and more than 100 religious leaders.

They hit the road with the message that torture is ineffective, immoral and a threat to national security. The first panel of speakers appearing in Richmond, Va., included an FBI agent who had interrogated Al Qaeda members, a former Marine prosecutor, a retired army brigadier general, a rabbi and a representative of the local Catholic archdiocese.

By Election Day, similar panels had presented their case to hundreds of people in Minnesota as well as in Ohio and Florida. The campaign also had hosted debate-watching parties and gathered thousands of signatures of support.

When their movement started, no one knew who would be president. Once Obama became the front runner, there was little doubt about his position because he had pledged repeatedly during his campaign to end the Bush administration's tactics.

Political support and courage

Ultimately, Obama's team wrote his own version of the order. But if you watched Obama's signing ceremony, you saw standing behind him many admirals and generals who had been active more than a year in the grassroots drive.

"We were told that the order we had done was the template being used," Johnson said. "But other people were weighing in."

Still, signing it took political courage given that a significant portion of Americans believed that torture helped protect the country from terrorists. A WorldPublicOpinion poll last June found that 44 percent of Americans supported the use of torture in some circumstances while 53 percent opposed it, **Reuters reported**.

Bush never acknowledged that anyone had been tortured under his watch. But a few days before Obama's order, Bush's top official in charge of deciding whether to bring Guantanamo detainees to trial **told the Washington Post** that the U.S. military had tortured a Saudi national who allegedly planned to participate in the Sept. 11, 2001 attacks. He was subjected to sustained isolation, sleep deprivation, nudity and prolonged exposure to cold.

"His treatment met the legal definition of torture," the Bush official, Susan Crawford, told the Post's Bob Woodward.

While the political ground for Obama's action was widening anyway, he gained critical support from the grassroots campaign that had started months before his nomination. And he will need it going forward, especially if there is another terrorist attack on the United States.

"That's why we are going to keep working with this group of people and continue to talk about the issues," Johnson said. "The question is how do we create enough understanding of how damaging torture has been to the country and its security, so that when there is another attack against the United States we will be prepared to think and react strategically instead of through fear."

Repairing credibility

Meanwhile, the credibility of international law has suffered, not only as it applies to torture but also to other human rights during the conduct of war.

Two levels of repair are needed, said Barbara Frey, who directs the Human Rights Program at the University of Minnesota.

First, the United States needed to send a strong signal around the world that it would respect international law. Obama did that with his orders to close the Guantanamo detention facility as well as to ban coercive interrogations.

"That is a really significant step," Frey said.

But it may be the easy step.

The United States also will be challenged to come clean about what happened in its detention facilities and "to invite the international community to see what we are doing in these cases," she said. It will be watched to see whether it truly accepts international definitions of legal standards "instead of trying to interpret them narrowly so we avoid any conclusions that we have been violating human rights," she said.

"The proof is in the details," she said. "The really important thing for me and for many is that we will be able to play a leadership role again in condemning violations by other countries."

Embarrassment and loss

For American troops, Obama's order will make a significant difference, said David Weissbrodt, a University of Minnesota law professor who specializes in international law. The order requires all U.S. personnel to follow the U.S. Army Field Manual while interrogating detainees. The manual prohibits threats, coercion, physical abuse and tactics such as waterboarding.



Prof. David Weissbrodt

"For the most part the United States military is an institution that follows the orders of its commanders," Weissbrodt said. "So I think that it will have an impact."

Further, the very fact that people around the world are arguing over these issues shows that international law does matter, Weissbrodt said.

The United States "suffered a tremendous amount of embarrassment and loss of face because of its use of torture," he said.

Other countries stopped cooperating with the United States and sending troops to aid U.S. endeavors, Weissbrodt said. They also refused to hand over detainees because they feared the United States would torture them.

"You can say that's a form of sanction for violation of international law," he said.

Starting with the truth

The politically charged question now hovering over Washington is whether the government should investigate and possibly prosecute those officials who authorized and carried out deeds that amounted to torture.

Some argue that credibility can't be restored until the world sees U.S. officials held accountable.

But Weissbrodt said it would be unwise to rush into legal action.

"Initially the most important thing is to stop the conduct and the torture and ill treatment and to get us out of the mess that the Bush administration put us in by building these facilities," he said. "If we can truly end that unfortunate page in American history, we will have done a lot."

Other countries have taken years, if not decades to investigate and prosecute leaders responsible for violations. In Chile, for example, former military dictator Augusto Pinochet first faced criminal indictments in 1998 for torture, assassination and other crimes that allegedly had started in the 1970s.

Meanwhile, Bush administration officials, including former Defense Secretary Donald Rumsfeld, face punishment of sorts for their alleged

responsibility. Travel outside the United States could be risky for them, Weissbrodt said, because other countries are moving to investigate cases in which their citizens were ill treated.

"I can be patient," Weissbrodt said. "I don't have to have it happen all at once."

Johnson agreed there is no reason to rush into prosecution.

The pressure to hold people accountable will persist over time around the world, he said. Generals who worked on the grassroots campaign stressed the need for debriefing to learn "what broke down, what went wrong," he said.

"Starting with the truth is a good beginning," Johnson said. "It might help America come to terms with what it was in our culture that made people accept what was unacceptable."

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