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Rummy's Lawyers: Torture OK

Robert Dreyfuss**June 07, 2004**

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Liberals who don't read the *Wall Street Journal* ought to take a look the Journal's lead story today, entitled: "Pentagon Report Set Framework for Use of Torture." Yes, you read that right. Here's the opening paragraph:

Bush administration lawyers contended last year that the president wasn't bound by laws prohibiting torture and that the government agents who might torture prisoners at his direction couldn't be prosecuted by the Justice Department.

It's based on a 100-page memo (classified) that was given to Rummy after torture-inclined Guantanamo interrogators complained that they weren't getting enough info from the detainees there. (The thought that the Afghans—who were randomly rounded-up and included children—might not know anything apparently didn't occur to these folks.) Says the *Journal* :

At [the memo's] core is an exceptional argument that because nothing is more important than 'obtaining intelligence vital to the protection of untold thousands of American citizens,' normal strictures on torture might not apply.

If we didn't need another reminder about why ordinary people express distaste for lawyers, here's how the Pentagon's shysters split the torture hairs:

"The infliction of pain or suffering, whether it is physical or mental, is insufficient to amount to torture,' the report advises. Such suffering must be 'severe,' the lawyers advise, and they rely on a dictionary definition to suggest that it 'must be of such a high level of intensity that the pain is difficult for the subject to endure.'

The report goes on to say that Congress has no business trying to regulate whether U.S. soldiers or other officials torture prisoners, since that would violate the commander-in-chief's constitutional power to wage war. "Sometimes the greater good for society will be accompanied by violating the literal language of the criminal law," says the report.

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