

# Torture is Now Virtuous?

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Recently, it has been alleged that President Bush, in response to criticism regarding the USA PATRIOT Act being unconstitutional, screamed, “Stop throwing the Constitution in my face! It’s just a God-damned piece of paper!”<sup>1</sup> The President’s lack of concern and appreciation for the supreme Law of the Land<sup>2</sup> is outrageous enough as it is, but what’s even scarier is how many politicians, Democrats and Republicans alike, treat it with the same disdain.

Even if the President had never called the Constitution “just a God-damned piece of paper,” it’s been pretty clear regardless he’s felt that way for quite some time.<sup>3</sup> The majority of the actions undertaken by the federal government are in fact unconstitutional.

The repercussions of the often-but-not-always-tacit hatred for the U.S. Constitution, and its limits on governmental power, can be seen every day, as it continues to hurt America.

The most disturbing thing I’ve encountered in this war is the position that, luckily, only a minority seem to hold: that we really *should* engage in torture.<sup>4</sup>

To respond to this, I could go into why I don’t believe torture even works at achieving desired goals. I could go into how such a

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<sup>1</sup> Doug Thompson, “Bush on the Constitution: ‘It’s just a goddamned piece of paper,’” *Capitol Hill Blues*, 10 December 2005, [http://www.capitolhillblue.com/artman/publish/article\\_7779.shtml](http://www.capitolhillblue.com/artman/publish/article_7779.shtml) (accessed 11 December 2005).

<sup>2</sup> See Constitution of the United States of America, Art. VI, ¶ 2.

<sup>3</sup> Some had maintained that there was not enough evidence to suggest that Mr. Bush had actually uttered the phrase. To see Thompson’s reply to critics, see Doug Thompson, “Consider the source,” *Capitol Hill Blues*, 11 December 2005, [http://www.capitolhillblue.com/artman/publish/article\\_7787.shtml](http://www.capitolhillblue.com/artman/publish/article_7787.shtml) (accessed 11 December 2005).

<sup>4</sup> Of course, in order to promote this view, they often arbitrarily define their activities as something other than torture. See, for example, John Diamond, Toni Locy, and Richard Willing, “Interrogation is tough but not torture,” USA TODAY, 5 March 2003, [http://www.usatoday.com/news/nation/2003-03-05-interrogate-usat\\_x.htm](http://www.usatoday.com/news/nation/2003-03-05-interrogate-usat_x.htm) (accessed 11 December 2005). Alan Dershowitz “believes the law should sanction torture,” according to “Legal Torture?” *60 Minutes*, 20 September 2002, <http://www.cbsnews.com/stories/2002/01/17/60minutes/main324751.shtml> (accessed 11 December 2005).

course action will leave an ugly stain on the U.S.<sup>5</sup> But there's a far more important, far more fundamental point that needs to be addressed: inalienable rights.

Since the Constitution, and yes, the government itself, does *not* "grant" rights to anyone, and since the rights that we acknowledge in the Bill of Rights are inalienable, any argument you may have received about the Bill of Rights not applying to foreigners or to suspected-terrorists are thus reasonably void.<sup>6</sup> Whereas the Bill of Rights may have been written to ensure to the anti-federalists that the rights of American citizens would be protected, the actual content of the Bill of Rights apply to all, indiscriminately. Yes, the rights acknowledged in the eighth amendment are held even by suspected-terrorists.<sup>7</sup> These are inalienable, natural rights that just happen to be acknowledged by our Constitution.

I know my argument won't be too-readily accepted in many neoconservative circles. "Why should we accept the insane ramblings of Alex? He's obviously naïve if he thinks it's possible to deal with terrorists in that way. He doesn't know how the world works! The only thing these people understand is violence and fear, and that's what we have to give them." We've all heard Coulterian proclamations like these from some of our more mainstream extremists, but I'll attempt nevertheless to respond to it seriously. Perhaps I am naïve about many things, but is it really naïve of me to purport that, if *we* have the natural right not-to-be-tortured (which the eighth amendment acknowledges that we *do*), then Iraqis, *too*, have that natural right, keeping in mind the fact that rights are innate and inalienable (as opposed to government-granted privileges)?

If we as a society are to believe that torturing women accused of witchcraft was wrong back *before* there even was a U.S. Constitution, then are we not also to believe that torturing foreigners merely accused of terrorism is wrong?<sup>8</sup> If we as a society are to

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<sup>5</sup> Michael Badnarik, "Jimmy Carter is Right," *Antiwar.com*, 27 September 2004, <http://www.antiwar.com/orig/badnarik.php?articleid=3657> (accessed 11 December 2005).

<sup>6</sup> For a wonderful yet brief discussion of the inalienability of rights, see "Rights are moral principles defining a man's freedom of action in society," *Capitalism.org*, <http://capitalism.org/faq/rights.htm#inalienable> (accessed 11 December 2005). Rights, by definition, cannot be granted nor revoked. They are, by definition, innate, individual, and inalienable.

<sup>7</sup> This amendment reads, "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

<sup>8</sup> For a short history of witchcraft persecutions, see Douglas Linder, "A Brief History of Witchcraft Persecutions before Salem," 2005, <http://www.law.umkc.edu/faculty/projects/Ftrials/salem/witchhistory.html> (accessed 11 December 2005).

believe that torturing persons in concentration camps accused of being homosexual or Jewish was wrong, even though the U.S. Constitution had no jurisdiction there, then are we not also to believe that torturing Iraqis and Iranians and Afghanis is wrong?<sup>9</sup>

Oh, wait, I forgot, 9/11 changed everything.<sup>10</sup> We as Americans can now throw away our idealism of justice in favour of even more foreign interventionism, now devoid of any residual compassion. People love to use the phrase “everything changed on 9/11” because it’s an empty, meaningless phrase which can be used to justify just about anything the speaker wants. But have things changed?

Yep, 9/11 changed everything, alright! It *must* have...the government *said* so! Disregard that 9/11 was *not* the first time America had been attacked.<sup>11</sup> Disregard that it wasn’t the first time a terrorist had destroyed an American building.<sup>12</sup> Disregard that it wasn’t the first time Middle-Eastern terrorists had attacked the World Trade Center.<sup>13</sup> Disregard that it wasn’t the first time plans had been made to crash planes in New York.<sup>14</sup> And disregard that it certainly wasn’t the first time our government had failed us.

I never knew what “the more things change, the more things stay the same” meant, but now I think I do. America still has an invasive foreign policy, perhaps ensuring us unjustifiable terrorist attacks to come. Our government is still using national tragedy to usurp the Liberties of its own citizens as well as those in other nations.<sup>15</sup> Government still thinks *it* knows best. And we the people are still getting the short end of the stick.

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<sup>9</sup> For information on the Holocaust, see “Holocaust,” *Wikipedia.org*, last updated 11 December 2005, <http://en.wikipedia.org/wiki/Holocaust> (accessed 11 December 2005).

<sup>10</sup> The phrase “9/11 changed everything!” is often used to excuse any number of insane or liberticidal policy changes, regardless of constitutional restraints to the contrary.

<sup>11</sup> John Fischer, “A Brief History of Pearl Harbor Prior to World War II,” *About.com*, [http://gohawaii.about.com/cs/pearlharbor/a/Lest\\_We\\_Forget1.htm](http://gohawaii.about.com/cs/pearlharbor/a/Lest_We_Forget1.htm) (accessed 11 December 2005).

<sup>12</sup> “Oklahoma City bombing,” *Wikipedia.org*, last updated 6 December 2005, [http://en.wikipedia.org/wiki/Oklahoma\\_City\\_bombing](http://en.wikipedia.org/wiki/Oklahoma_City_bombing) (accessed 11 December 2005).

<sup>13</sup> “World Trade Center Bombing - New York City - February 26, 1993,” *Rewards for Justice: Seeking Information Against International Terrorism*, [http://www.rewardsforjustice.net/english/acts\\_of\\_terror/index.cfm?page=wt](http://www.rewardsforjustice.net/english/acts_of_terror/index.cfm?page=wt) (accessed 11 December 2005).

<sup>14</sup> “Columbine killer envisioned crashing plane in NYC,” *CNN.com*, 6 December 2001, <http://archives.cnn.com/2001/US/12/05/columbine.diary/> (accessed 11 December 2005).

<sup>15</sup> See, for example, Nancy Levant, “Patriot Act and Real ID: Farewell to Liberty,” *NewsWithViews.com*, 23 June 2005, <http://www.newswithviews.com/Levant>

President Bush has had ample opportunity to veto the unconstitutional bills that come to his desk, but he never does. Instead, he actually encourages them.<sup>16</sup> The good news is that our President is finally considering using his constitutionally-recognized veto power. The bad news, he wants to veto Senator John McCain's anti-torture amendment.

The fundamental question here is, would that be politically expedient? Wouldn't such a veto send a message to Iraqis not to trust us?

Growing up, I was always told to do unto others as I would have them do to me. People consider this rule of thumb to be so important, they call it the Golden Rule. And it's a great rule to live by, as it garners respect and trust. When, praytell, did we lose sight of this?

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/nancy2.htm (accessed 11 December 2005).

<sup>16</sup> Mr. Bush, for example, support for the insane Assault Weapons Ban, which he promised he would sign. "Call me a purist," *SayUncle*, 18 October 2004, [http://www.saysuncle.com/archives/2004/10/18/call\\_me\\_a\\_purist/](http://www.saysuncle.com/archives/2004/10/18/call_me_a_purist/) (accessed 11 December 2005). Luckily, the bill never got to his desk.