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Torture is a Moral Issue

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As religious leaders in Connecticut we are deeply concerned, indeed horrified, that Congress is poised to legalize torture. Earlier this week, at a [press conference](#) at Hartford Seminary, we spoke in one voice to say emphatically: No torture anywhere anytime--no exceptions. We joined our voices with those of national religious leaders in the [National Religious Campaign Against Torture](#) who published an [advertisement](#) signed by national figures in Washington's *Roll Call* on the same day.

We are compelled to speak again because the just-announced Republican "compromise" threatens to compromise the rule of law and the laws of God. Torture is a moral and legal issue; it is also a profoundly religious issue, for it degrades the image of God in the tortured and the torturer alike. Our moral compass is swinging wildly. To tolerate, or worse decriminalize, torture jeopardizes the soul of our nation.

If we were not to raise our voices in outrage at this time, the very stones would cry out.

What is the basis of our concern?

§ We are concerned that the proposed legislation eviscerates the War Crimes Act of 1996. That act makes it a crime for any American to commit "grave violations" of the Geneva Conventions. But the "compromise" just announced amends the War Crimes Act to undercut that and to give the President unilateral authority--unchecked by Congress or the courts--to declare what is a violation of the War Crimes Act.

The President would then have the power to decriminalize the very prisoner abuse--at Abu Ghraib, Guantánamo, and secret prisons around the world--that rightly has caused American shame and international outrage. Under the legislation now proposed, even the list of permissible forms of interrogation will be kept secret. When reporters asked National Security Advisor Stephen Hadley whether waterboarding was permitted under the agreement, he refused even to answer the question.

§ We are concerned that the proposed law retroactively decriminalizes violations of the War Crimes Act. This sends a message that our country is offering one hundred percent tolerance for torture. We insist on zero tolerance for torture. But the bill extends tolerance to mercenaries and top government officials. This is highly self-serving. As former CIA general counsel, Jeffrey H. Smith, recently told the *Washington Post* regarding accusations of illegal activities by CIA officials, "The fault here is with more senior people who authorized interrogation techniques that

amount to torture" and should now be liable, instead of "the officers who carried it out." This legislation would provide such senior officials a "get out of jail free" card.

§ We are concerned that this legislation removes the right of habeas corpus for those held as illegal combatants. This overturns the Supreme Court's *Rasul* decision and strips the courts of their ability to prevent torture and abuse. Habeas corpus cases have been the sole means for challenging the abuse of those held at Guantánamo.

§ We are concerned that the so-called compromise will allow the use of evidence coerced through cruel and abusive treatment. Experience has shown that such provisions are an inducement to torture.

§ We are concerned that the bill allows the President to declare any foreigner, anywhere, an "illegal enemy combatant" and then detain them forever without trial. Is this what the rule of law has come to for our country?

§ We are concerned that the bill, in spite of claims that it preserves the Geneva Conventions, in fact does nothing to prevent the reinterpretation of those Conventions at will. Thus, it will invite other countries to do the same--as past and present military leaders warned when they opposed the President's initial version of the bill.

Former Secretary of State and head of the Joint Chiefs of Staff Colin Powell, recently warned that "The world is beginning to doubt the moral basis of our fight against terrorism," and that "to redefine Common Article 3" of the Geneva Conventions "would add to those doubts." We are concerned that the proposed legislation, far from showing U.S. commitment to the Geneva Conventions, will only intensify those doubts.

§ We are concerned that this proposal is deliberately designed to undermine the efforts of the Supreme Court in the *Rasul* and *Hamdan* cases to assert the basic democratic Constitutional principle that the rule of law applies to the President and the executive branch.

§ We are concerned that President Bush may gut the remaining limitations in this act, just as he did those in the previous McCain torture law, by issuing a Presidential signing statement.

Given that the President has said there are currently no prisoners in the special CIA interrogation program, we are uncertain of the urgency in passing this legislation right now. We fear that the urgency stems from the upcoming mid-term elections, with the possibility of the Democrats gaining control of the House or Senate and initiating war crimes hearings. This legislation seems not to be about protecting our military personnel or even US citizens; rather, it appears to be designed to protect the leaders at the top of the chain of command who have tolerated, promoted, and justified torture.

Our own sense of urgency arises from a desire to protect the soul and integrity of our nation. Will we be a nation that abides by our own Constitution and upholds international law? Will we be a nation that is "under God" with justice for all? Or will we become a nation that punishes those who follow the orders while exonerating those who give them?

The scriptures of many traditions offer a version of the "golden rule": "Do unto others as you would have them do unto you." This principle is the guide for the lives of both individuals and nations. The moral basis is clear. Yet there is also a simple utilitarian reason to observe this principle: abandon the rule of law and you yourself will be subject to the consequences.

As religious leaders, we call upon our Congressional delegation and all who would lead or represent us to stand firmly against this attempt to amend the law of the land, to set the United States apart from international law. The moral character and the security of our nation and its people are at stake.

Signatories (as of 9/24/06):

Rev. Dr. Davida Foy Crabtree, Conference Minister of Connecticut Conference of United Church of Christ

Rt. Rev. Andrew D. Smith, Bishop of Episcopal Diocese of Connecticut

The Most Rev. Peter A. Rosazza, D.D., Auxiliary Bishop and Vicar General for the Hispanic Apostolate, Roman Catholic Archdiocese of Hartford

Rev. Judy Allbee, Executive Minister of American Baptist Churches of Connecticut

Rev. Dana Lindsley, Executive Presbyter of the Presbytery of Southern New England

Dr. Ingrid Mattson, Professor of Islamic Studies at Hartford Seminary and President of the Islamic Society of North America

Rabbi Jeffrey Glickman, Temple Beth Hillel, South Windsor, Connecticut

Rabbi Donna Berman, Executive Director, Charter Oak Cultural Center

Rev. Dr. Alice de V. Perry, Coordinating Committee of National Religious Campaign Against Torture

Badr Malik, Executive Director, Council on American-Islamic Relations, Connecticut Chapter

Rev. Kathleen McTigue, Unitarian Society of New Haven

Rev. Dr. Dennis B. Calhoun, Middlebury Congregational Church

John Humphries, Hartford Friends Meeting and Steering Committee of Reclaiming the Prophetic Voice

Rev. Thomas O'Rourke, Roman Catholic Church of the Ascension, Hamden

Rev. Susan Power-Trucksess, Presbyterian Minister, Guilford

Rev. Dr. Carl S. Dudley, Faculty Emeritus, Hartford Seminary