Subject: Something To Be Proud Of
Posted by Manualblock on Thu, 15 Dec 2005 15:42:06 GMT
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Thank God this holiday season that a few hours ago the House Of Representatives voted to back Murtha's Bill to ban torture. Every military expert and criminal expert in the world condemn's torture as ineffective and unworthy of a civilised nation. Every soldier knows and hates the ramifications of having a government backed policy promoting the torture of human beings. About the only folks in favor; VP Cheney and D. Rumsfeld never fought in any war I know of.I guess the man upstairs was watching.

Subject: Re: Something To Be Proud Of
Posted by Bill Martinelli on Thu, 15 Dec 2005 23:02:22 GMT
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Wouldn't you think that any real torture for interrogating purposes would be done under lock and key anyway? I think there could be some circumstances where the need for such actions are justifiable.

Subject: Re: Something To Be Proud Of
Posted by Manualblock on Thu, 15 Dec 2005 23:51:48 GMT
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So; does it work? Because I see the CIA guys who say it is mostly worthless as far as gathering information. It's unreliable and wastes valuable time. Guys will say anything and are easily manipulated.And of course we would like to be better people than that; I think.If it worked we would be watching Osama on trial instead of that nitwit Hussein. Don't tell me those guys the CIA has over in Europe don't know where he is. Are they doing it on the QT; probably.

Subject: Re: Something To Be Proud Of
Posted by Bill Martinelli on Fri, 16 Dec 2005 00:40:02 GMT
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A lot of what we hear about in the media about ruthless torture is unbecoming. It's nice to be 'better than that' I never got the whole concept of rules for war, things like the Geneva convention you hear so much about. I never understood why countries kept PO W's either. To me war is 'eat or be eaten' situation. These are just some things I dont understand. I'm not really advocating

anything.

Subject: Wrong Again, MB
Posted by elektratig on Fri, 16 Dec 2005 01:44:21 GMT
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I'll pass over the effectiveness point -- of course it can be.The media has grossly distorted this issue. It has nothing to do with torture. There is already a federal statute banning torture. The dispute was over McCain's ridiculous definition, which bars "cruel, inhuman, OR DEGRADING treatment or punishment." (emphasis added)What the hell does THAT mean? At least one Gitmo detainee claimed that he was degraded because he was forced to deal with a woman guard. If we have a high-level AQ detainee in custody, I say, degrade the hell out him.May I ask you about the "ticking time bomb" (or more likely "ticking WMD") scenario? Is "torture" still off limits?

Subject: Re: Wrong Again, MB
Posted by Manualblock on Fri, 16 Dec 2005 02:13:12 GMT
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Say where you been? The ticking time bomb? So what is that?The limitations of interrogation techniques are described fairly precisely; and it ain't as mild as you would think. Remmember; the detainees have never been charged with a crime. You either believe in the rule of law or you live in the jungle. Hey; I know I'm gonna survive; believe that.Ask the guys who do this for a living; not politicians.

Subject: Re: Something To Be Proud Of
Posted by Manualblock on Fri, 16 Dec 2005 02:18:33 GMT
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Simple; why not nuke them then? No rules; no fouls. The rules of war are an attempt at humans to create civilisation a step at a time. Stalin didn't believe in them; neither did Salvador Allende and he loved torture as a political device. Thats what you get without any rules.I think the rules; seriously, came about because people are scared shitless of the alternative because they know what people are capable of.People are not fundamentally good.

Subject: Ticking Time Bomb

Posted by elektratig on Fri, 16 Dec 2005 12:30:04 GMT
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What I call the "ticking time bomb" scenario is an updated variant of the "Dirty Harry" plot. A terrorist has planted a bomb -- let's make it a dirty nuclear bomb -- somewhere in, say, NYC. The terrorist has been captured, but he won't reveal where the bomb is planted. What do you do?If you think that's unrealistic, I'll give you a more subtle version. We capture Zarquawi -- someone we know is a high-level terrorist who has tremendous amounts of valuable information -- the identities and locations of high-level associates, the locations of safehouses and caches of IEDs and other weapons, information about planned and ongoing operations, etc. Obtaining this information will save at least hundreds and more likely thousands of innocent lives. He won't tell us anything. What do you do?

Subject: Re: Ticking Time Bomb
Posted by Manualblock on Fri, 16 Dec 2005 13:49:57 GMT
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Geez; E-Man, aren't these the guys who will blow themselves up? The kind of torture you describe is a scenario from a movie or something; people either would kill themselves or you would not get any info from them. Hell; we can't even find Osama and he is on dialysis. And lets say this script actually occurred; what kind of torture do you think would work? Would people who are willing to committ suicide at the drop of a hat be worried about that? And lets say this happened; then law or no law they would do what it took.So you think we should allow torture of anyone the government wants just so we can be prepared if by some billion to one chance this movie script plays out? Torture...I don't know how many who may not know anything for the next how many years, just in case this might happen and we might catch a guy who doesn't kill himself and is willing to talk?Sounds like a bad deal.At the risk of sounding maudlin; thats not what we are about as Americans.So; whaddya think?

Subject: Re: Ticking Time Bomb
Posted by Damir on Fri, 16 Dec 2005 17:21:15 GMT
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Hehe, just imagine Mr. Elektratig one day in his world, driving his car. Police stopped him."Hey, mister, who passed through the red light?""I don`t know, I wasn`t!""Allright, Jack - give me the saw, pliers and lighter, for beginning..."

Subject: Re: Ticking Time Bomb

Posted by Manualblock on Fri, 16 Dec 2005 18:05:25 GMT
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No; It can't happen here...Oh no! Remmember; the policemen are your friends.

Subject: McCain and Miranda
Posted by elektratig on Fri, 16 Dec 2005 18:07:33 GMT
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MB,It's not reasonable to twist my position to suggest I'm advocating "torture of anyone the government wants." You have issues concerning the definition of "torture" and of whether individual circumstances should be taken into account. I suspected you'd object to my "ticking time bomb" scenario, but the capture of a Zarqawi or other high-value target is quite realistic. We've already captured any number of Bin Laden's lietenants, starting with Khalid Sheikh Mohammed -- remember him? Reports are that we've gotten valuable, life-saving information from many of them, including Mohammed.In an entirely different context, I just read a passage from a book that is simply too good not to pass along. The author related that he was discussing the adage that "the ends do not justify the means." To which, the author reported, a colleague responded, "If an end cannot justify a means, what can?"Getting back to the language of the McCain Amendment itself, I'm attaching a cite to a column explaining the problem in greater depth.
"McCain and Miranda"

Subject: Re: McCain and Miranda
Posted by Manualblock on Fri, 16 Dec 2005 20:52:59 GMT
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Good stuff E-Man; I'm glad you took the time to respond to this. Let me suggest that we sometimes provide a little drama in a post to ratchet up the interest but it seems you have my number on that and a good explanation it was.I had mean't to reply to the End and Means Quote but I see you are probably already prepared for that one so I will let it pass.The cite you offer I have read. First up we know that there are always situations that can be proposed that express the extreme possibilities inherent in any legislation. I mean that is the premise behind all legal fiction; novels that take law and stretch the possibilities to derive tension between the reality and the potentiality of abuse. Thats what fills the shelves with scary legal scenarios made into movies.But to get back to the McCain Bill. The author of the essay seems to indicate that the law extends all of the rights and protections granted American Citizens to anyone. Thats what we need to define; what exactly is the point of this bill. I agree with the bill without studying and pondering the wording because I trust Senator McCain to do the right thing. As a citizen and one who is not trained in the law; upon what basis would I have to form a legally valid opinion concerning the application of this bill to military justice statutes?So; I would attempt to find within

the wording my own interpretation of the meaning. Would that be acceptable?

Subject: Re: McCain and Miranda
Posted by elektratig on Sat, 17 Dec 2005 10:57:26 GMT
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MB,Although written words are more precise than conversational language, even the simplest sentences can be ambiguous. For example, I was reading the other day about a court decision interpreting a statute criminalizing activity that took place within 1,000 feet of a school. The question that arose was, how is that 1,000 feet measured? As the crow flies? Or by the distance you would cover when walking from the school to the spot where the conduct occured (which would be longer given the intervention of buildings, gates, etc.)? Which would you choose?Interpretation of something like the McCain Amendment is more complex because there are multiple layers of analysis and the controversial and value-laden nature of the subject matter makes it likely that the judge will, consciously or unconsciously, filter her analysis through her preexisting perceptions, views, etc. concerning torture, national security, etc. In short, it is impossible to predict how it will be interpreted.Since it is difficult enough (or impossible) to be totally precise even when you try to put in words what you mean to say, you are really treading on thin ice when you put into words something you DON'T mean to say. Senator McCain has been quoted as saying, or at least strongly implying, that he understands that interrogators might have to go beyond the limits in eggregious situations. But the problem is that, if the exception isn't there, who's going to put it there? In effect, he's saying, "I expect a judge to read appropriate exceptions or limitations into the language, even though the language doesn't support them." That is an unfair burden to place on a judge (although legislators do it all the time). This is why you see so many instances of judges getting criticized (although there are many other reasons, including many stupid judges). Either they read the language the way it was written (in which case they are criticized for failing to use common sense and reaching ridiculous results). Or they read unwritten exceptions into the language (in which case they are criticized for "making law" and "judicial activism").Conversely, you are asking alot of the potential defendant (here the interrogator). If confronted with an eggregious situation, she will be asked to (or feel morally bound to) violate the apparent meaning of the law in the hope that a judge will later read an exception into it. But whether a judge will do so will be unknown (and unknowable) at the time the interrogator must make her decision.Tell me which way you'd rule on the school case, and why, and I'll point you to the decision. It's fairly short, and a great illustration of the problems courts confront with even simple language.

Subject: Re: McCain and Miranda
Posted by Manualblock on Sat, 17 Dec 2005 12:52:12 GMT
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Perfectly put. To me that is an example of why we must use broad and universally applied

standards. Listen someone has to make the descisions; do we agree on that? There must be accountability. In the School case the 1000 ft rule would extend to that perimeter regardless of conditions on the street. Thats my opinion but it comes without knowing precedent/application/prior extenuating circumstances so as you can see we must at some point rely on the wisdom of those we appoint to adjudicate these things. See my interrogation post above; the military manual accepts that it cannot define the rightfull parameters. So McCain writes a bill to be broadly construed and then let the proffessional's define the rules under the proscriptions of the bill.You tell me the ruling in the school case then I ask what rules should apply in the process of capture and interrogation of SUSPECTS. Thats the key word for me since without due process you are only a suspect and may have no culpability whatsoever. And even with all of this we still cannot define at what point we cross the line between civilised behaviour and savagery.

Subject: Re: McCain and Miranda
Posted by elektratig on Sun, 18 Dec 2005 10:40:15 GMT
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MB,On the school case, you're right! The decision is cited below. Don't be misled, however. I guarantee that the Judge Kaye could have written a decision coming out the other way that would have been every bit as convincing.On the torture issue, I guess where I am is here. It's very nice to say that "torture" is bad. It soothes the conscience to say that we should never, ever "torture" "suspects". But are the advocates of that position really prepared to stand by what they say? And, if so, is that position really morally defensible?First, there are suspects and there are suspects. Is a "suspect" who is caught planting an IED, and who had probably just finished planting a number of others, really a "suspect"? Will Zarqawi, when caught, really be only a "suspect"?Are the proponents of the no-"torture"-ever position prepared to face the victims and relatives of victims maimed and killed by, say, an IED explosion that could have been prevented and explain to them why their lives and bodies were not worth the moral cost of "torturing"? Not John McCain, apparently. He's been quoted as saying, "You do what you have to do. But you take responsibility for it." If he's saying that the "torturer" should go to jail for doing something she was morally justified to do, I respectfully dissent. He wants to have his moral cake and eat it too, without being held responsible for any outcome. As Andrew McCarthy has observed regarding McCain's position:"On one hand, it conveys the nod-and-a-wink message that the law is not serious: If the circumstances seem grim enough, go ahead and abuse the captive and we're likely to look the other way. It announces that the president, because he wields ultimate prosecutorial authority, is effectively above the law — precisely the notion Congress is supposed to be defeating when it enacts behavioral standards for executive-branch agencies. "On the other hand, it is craven. It leaves the decision whether to violate a foolish proscription that cannot be justified in a crisis to the judgment of a lowly, young interrogator. "Our lives are in your hands, son, so do what you think is right — and, if things work out well, maybe, just maybe, we'll let you slide" — at least if you're lucky enough to have your actions come to light on that rare day when we're feeling feisty enough to face down Amnesty International, Human Rights Watch, the ACLU, the New York Times and that pesky Arab Street."Most of all, though, McCain's answer is perverse. It would be reprehensible to convert into an illegality something any responsible, good-faith government official would do — viz., try to coerce information from a morally guilty person in a

real emergency with thousands of lives on the line. However noble the driving impulse, it would be a law designed to protect the physical comfort of a morally culpable person at the expense of the lives of countless innocent people whose deaths might be avoidable. That's not what we have a government for."As for judging whether and under what circumstances, "torture" may be morally appropriate, I like this analysis by Jonah Goldberg:"I haven't worked out all the answers for myself, but it seems to me that a great clarifier in this area is to substitute "torture" with "deadly force." Surely, there's nothing wrong with shooting a terrorist in the head before he can push the button that blows up New York. Surely, there's everything wrong with shooting an innocent person for no reason whatsoever. The only way it's different for torture is if you believe torture is worse than killing. We should greet assertions along these lines cautiously. The ten commandments don't say "thou shalt not torture." That doesn't mean we get a free pass on torture, but it seems odd to think that murder is a lesser sin than torture and yet torture gets left off the list of the major dos and don'ts. "Killing solely for fun, profit, revenge etc is merely murder and is already quite illegal. Torturing for any of these reasons is depraved assault and is also quite illegal. In situations where the lives of innocents aren't at stake, killing even those who deserve death is illegal without due process of some kind. The only place where killing is permitted without due process is in situations of self-defense or the defense of others. Is it really so absurd to think of torture in the same light?"
People v. Robbins

Subject: Re: McCain and Miranda
Posted by Manualblock on Sun, 18 Dec 2005 12:38:48 GMT
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So; I got one right ehh?I read your post thoroughly and I think I see the moral ambiguity that seperates us. If torture of a human suspect in a wartime situation who is clearly an enemy combatant would provide information that would save lives and prevent mass scale deaths then I would say that the process had some validity.Lets agree that most proffessionals will say that torture doesn't work; because that is what they do say.Lets say that the threat of torture might coerce a suspect into confessing important info. That process as we have been shown would have to be carried out by a knowledgable and well experienced handler. That eliminates the possibility of speedy attainment of the info.So not only will we agree there will be abuses but those abuses will predominate as a result of the conditions required to produce good reliable info.Then we have some limits; should the torture be regulated? Or should the limitations of the torture be death if needed?I know you see where I am goingwith this so let me stop and turn another tack.Regardless of who you think we are fighting in Iraq; what I see is a very diverse group; some of whom are legitimate revolutionaries fighting against an occupying nation. Who will make the determination concerning whether the suspect is a terrorist or a true Iraqi soldier fighting to liberate his country? And is that wrong enough to require us to kill or torture the guy?There's more but I will stop for now and see what the response is.

Subject: Re: McCain and Miranda

Posted by Damir on Sun, 18 Dec 2005 14:12:26 GMT
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It`s nice and easy writing about war, killing and torturing people while listening music, with slippers on your feet.Here we just went through a bloody war, where those things are not some blablah on TV/Internet, but brutal reality that can happen to you or to someone you love every moment. Even there and then, majority of the people knew what`s right and what`s wrong. But some people, when they only had a chance showed unbilievable cruelty and they`ve done many crimes. Beleiving that someone wants "right" to avoid Geneve convenctions and Laws, and torture and execute prisoners/suspects in the 21st century is beyond me.I don`t want to be specific (only 10 years passed) - but only one thing - a friend of mine always had a bomb and a few bullets in his shirt pocket in case he`d be captured. An enemy army which acts that way (torturing prisoners) can only expect a similar treatment. And some people here went through capturing and torture and some even survived to talk about the horrors. If someone likes it or justifys it, in my eyes he`s not much less than a criminal, than criminals who actually did those cruel deeds.Not exact situation you wrote about, but you have an idea.

Subject: Re: McCain and Miranda
Posted by Manualblock on Sun, 18 Dec 2005 15:38:21 GMT
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Absolutely nothing like personal experience to teach the truth. Thats why I trust McCain.