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Bin Laden's death and the debate over torture

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Osama [bin Laden's welcome death](#) has ignited debate over whether the so-called enhanced interrogation techniques used on enemy prisoners were instrumental in locating bin Laden, and whether they are a justifiable means for gathering intelligence.

Much of this debate is a definitional one: whether any or all of these methods constitute torture. I believe some of them do, especially waterboarding, which is a mock execution and thus an exquisite form of torture. As such, they are prohibited by American laws and values, and I oppose them.

I know those who approved and employed these practices were dedicated to protecting Americans. I know they were determined to keep faith with the victims of terrorism and to prove to our enemies that the United States would pursue justice relentlessly no matter how long it took.

I don't believe anyone should be prosecuted for having used these techniques, and I agree that the administration should state definitively that they won't be. I am one of the authors of the [Military Commissions Act](#), and we wrote into the legislation that no one who used or approved the use of these interrogation techniques before its enactment should be prosecuted. I don't think it is helpful or wise to revisit that policy.

But this must be an informed debate. Former attorney general Michael Mukasey [recently claimed](#) that "the intelligence that led to bin Laden . . . began with a disclosure from Khalid Sheik Mohammed, who broke like a dam under the pressure of harsh interrogation techniques that included waterboarding. He loosed a torrent of information — including eventually the nickname of a trusted courier of bin Laden." That is false.

I asked CIA Director Leon Panetta for the facts, and he told me the following: The trail to bin Laden did not begin with a disclosure from Khalid Sheik Mohammed, who was waterboarded 183 times. The first mention of Abu Ahmed al-Kuwaiti — the nickname of the al-Qaeda courier who ultimately led us to bin Laden — as well as a description of him as an important member of al-Qaeda, came from a detainee held in another country, who we believe was not tortured. None of the three detainees who were waterboarded provided Abu Ahmed's real name, his whereabouts or an accurate description of his role in al-Qaeda.

In fact, the use of “enhanced interrogation techniques” on Khalid Sheik Mohammed produced false and misleading information. He specifically told his interrogators that Abu Ahmed had moved to Peshawar, got married and ceased his role as an al-Qaeda facilitator — none of which was true. According to the staff of the Senate intelligence committee, the best intelligence gained from a CIA detainee — information describing Abu Ahmed al-Kuwaiti’s real role in al-Qaeda and his true relationship to bin Laden — was obtained through standard, noncoercive means.

I know from personal experience that the abuse of prisoners sometimes produces good intelligence but often produces bad intelligence because under torture a person will say anything he thinks his captors want to hear — true or false — if he believes it will relieve his suffering. Often, information provided to stop the torture is deliberately misleading.

Mistreatment of enemy prisoners endangers our own troops, who might someday be held captive. While some enemies, and al-Qaeda surely, will never be bound by the principle of reciprocity, we should have concern for those Americans captured by more conventional enemies, if not in this war then in the next.

Though it took a decade to find bin Laden, there is one consolation for his long evasion of justice: He lived long enough to witness what some are calling the [Arab Spring](#), the complete repudiation of his violent ideology.

As we debate how the United States can best influence the course of the Arab Spring, can’t we all agree that the most obvious thing we can do is stand as an example of a nation that holds an individual’s human rights as superior to the will of the majority or the wishes of government? Individuals might forfeit their life as punishment for breaking laws, but even then, as recognized in our Constitution’s prohibition of cruel and unusual punishment, they are still entitled to respect for their basic human dignity, even if they have denied that respect to others.

All of these arguments have the force of right, but they are beside the most important point. Ultimately, this is more than a utilitarian debate. This is a moral debate. It is about who we are.

I don’t mourn the loss of any terrorist’s life. What I do mourn is what we lose when by official policy or official neglect we confuse or encourage those who fight this war for us to forget that best sense of ourselves. Through the violence, chaos and heartache of war, through deprivation and cruelty and loss, we are always Americans, and different, stronger and better than those who would destroy us.

The writer is a Republican senator from Arizona.