

BUSH: THE COUNTRY IS AT WAR, THEREFORE WE DO NOT TORTURE

While I wait patiently for the press to notice that George Bush admitted to instituting a regime of torture last Friday, I wanted to call your attention to one of Bush's most famous statements purportedly denying that we torture. The statement came on November 7, 2005, just after Dana Priest's Black Sites article appeared, and in the middle of Congress' efforts to forbid torture. The statement came within days—if not hours—of the time when the CIA (supposedly working on its own) destroyed the evidence of torture.

The statement starkly follows the logic of John Yoo.

Q Mr. President, there has been a bit of an international outcry over reports of secret U.S. prisons in Europe for terrorism suspects. Will you let the Red Cross have access to them? And do you agree with Vice President Cheney that the CIA should be exempt from legislation to ban torture?

PRESIDENT BUSH: Our country is at war, and our government has the obligation to protect the American people. The executive branch has the obligation to protect the American people; the legislative branch has the obligation to protect the American people. And we are aggressively doing that. We are finding terrorists and bringing them to justice. We are gathering information about where the terrorists may be hiding. We are trying to disrupt their plots and plans. Anything we do to that effort, to that end, in this effort, any activity we conduct, is within the law. We do not torture.

And, therefore, we're working with Congress to make sure that as we go forward, we make it possible – more possible to do our job. There's an enemy that lurks and plots and plans, and wants to hurt America again. And so, you bet, we'll aggressively pursue them. But we will do so under the law. And that's why you're seeing members of my administration go and brief the Congress. We want to work together in this matter. We – all of us have an obligation, and it's a solemn obligation and a solemn responsibility. And I'm confident that when people see the facts, that they'll recognize that we've – they've got more work to do, and that we must protect ourselves in a way that is lawful.

Note the logic of the statement:

1. Our country is at war
2. The executive branch has the obligation to protect the American people
3. The legislative branch has the obligation to protect the American people [Remember, Bush and Cheney were successfully convincing Congress not to prohibit the CIA from torturing]
4. What we are doing is "aggressively" fulfilling our obligation to protect the American people
5. Our "aggressive" efforts to protect the American people consist of: bringing terrorists to justice,

gathering information about where the terrorists may be hiding, trying to disrupt their plots (that is, torture)

6. Anything we do to the end of protecting the American people is within the law

Bush does not say, "torture is illegal, but we do not torture, therefore we are working with the law." He flips the whole question around, as Yoo did. He basically states that anything the executive does to fulfill its obligation to protect the American people is—because it is done in the name of protecting the American people—within the law. The rationale for these activities—protecting the American people—and not the nature of the activities themselves, is what makes them legal, according to Bush.

Anything we do to the end of protecting the American people is, therefore, within the law.

Stated, as Bush did it, in response to an implied yes or no question, "do we torture?," it appears to be a denial. But stated after you've read Yoo's memo, it is, rather, an assertion of extra-legality. Anything Bush does to the end of protecting the American people is within the law, Bush promoted a torture regime ostensibly to the end of protecting the American people, ergo, torture is within the law.

It took them five years to declassify the OLC memo, but in truth, Bush has been waving it around like a red flag since it was issued (the memo had already been rescinded by the point Bush makes this statement, though it had been replaced by a still-classified Bradbury memo in early 2005).

Of course, Bush's response to the question was not presented in the press as an assertion that "Anything we do to the end of protecting the American people is therefore within the law."

Rather, it was presented as a sharp denial that we torture:

Bush: "We do not torture" terror suspects

Bush defends interrogation practices:
"We do not torture"

US does not torture, Bush insists

We do not torture detainees, says Bush

Bush: "We do not torture"

Which I'm guessing is the problem the press, all of it, is now having with Bush's admission on Friday. On Friday, Bush glibly admitted to approving of meetings at which his top advisors approved water-boarding. We all know water-boarding is torture. Therefore Bush has glibly admitted to instituting a program of torture.

But the press has been uncritically accepting Bush's twisted sophism for years, interpreting a claim of extra-legal powers as, instead, a denial of torture. How can the press explain now that, contrary to what the press reported for years, all along Bush has been claiming that torture is legal?