

THE GRAY LADY WAITED THREE YEARS TO QUOTE PEOPLE CALLING TORTURE TORTURE

In this post, I described the Harvard study that showed that US' largest newspapers stopped calling waterboarding torture once it became clear the US was doing it. I wanted to look more closely at an odd time lapse in the NYT's Orwellian treatment of waterboarding.

In a seeming defense of their refusal to call torture torture given to Michael Calderone, the NYT admitted they had responded to pressure from the Administration, but claimed that they balanced that by admitting that others consider it torture—classic “on the one side, on the other side cowardice.”

However, the Times acknowledged that political circumstances did play a role in the paper's usage calls. “As the debate over interrogation of terror suspects grew post-9/11, defenders of the practice (including senior officials of the Bush administration) insisted that it did not constitute torture,” a Times spokesman said in a statement. “When using a word amounts to taking sides in a political dispute, our general practice is to supply the readers with the information to decide for themselves. Thus we describe the practice vividly, and we point out that it is denounced by international covenants and in American tradition as a form of torture.” [my emphasis]

But if they were doing so, you'd think they'd be giving voice to people actually calling waterboarding torture.

At least according to the study, that's not what

they did at first. Not until 2007 did the NYT regularly (45.5% of the time) start quoting people calling waterboarding torture.

Except for a brief spate of articles in 1902-1903 in the NY Times which quoted mostly military officials and senators, almost all of the articles that quote others calling it torture appeared in 2007 and 2008.

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Before 2007, the NY Times had only scattered articles quoting others. However, beginning in 2007, there is a marked increase in articles quoting others, primarily human rights groups and lawmakers. Human rights representatives predominate during the first half of the year. However, beginning in October, politicians were cited more frequently labeling waterboarding torture. Senator John McCain is the most common source, but other lawmakers also begin to be cited. By 2008, the articles' references are more general such as "by many," or "many legal authorities." Stronger phrases such as "most of the civilized world" also begin to appear.

In other words, NYT's "defense" of its actions appears to ignore a three year period during which they didn't call torture torture, but during which they offered no counterbalance correcting that spin (which among other things means we can add it to the list of things—warrantless wiretapping, the leak of Plame's identity Judy Miller received from OVP, and now calling torture torture—that the NYT did in the lead up to the 2004 election).

Which is all the more troubling given that NYT claimed they were watching their spin closely. One of the first NYT articles to report on waterboarding included this paragraph.

Defenders of the operation said the methods stopped short of torture, did not violate American anti-torture statutes, and were necessary to fight a war against a nebulous enemy whose strength and intentions could only be gleaned by extracting information from often uncooperative detainees. Interrogators were trying to find out whether there might be another attack planned against the United States.

As they pointed out in response to this study, FAIR immediately pounced on the Orwellianism.

The New York Times, revealing the interrogation techniques the CIA is using against Al-Qaeda suspects, seemed unable to find a source who would call torture by its proper name.

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The article took pains to explain why, according to U.S. officials, such techniques do not constitute torture: "Defenders of the operation said the methods stopped short of torture, did not violate American anti-torture statutes, and were necessary to fight a war against a nebulous enemy whose strength and intentions could only be gleaned by extracting information from often uncooperative detainees."

The article seemed to accept that the techniques described are something other than torture: "The tactics simulate torture, but officials say they are supposed to stop short of serious injury." The implication is that only interrogation methods that cause serious physical harm would be real and not simulated torture.

The article quoted no one who said that the CIA methods described were, in fact, torture. Yet it would have been easy to

find human rights experts who would describe them as such. The website of Human Rights Watch (www.hrw.org) reports that “the prohibition against torture under international law applies to many measures,” including “near drowning through submersion in water.” Amnesty International U.S.A.

(www.amnestyusa.org) names “submersion into water almost to the point of suffocation” as a form of torture, and emphasizes that torture “can be psychological, including threats, deceit, humiliation, insults, sleep deprivation, blindfolding, isolation, mock executions...and the withholding of medication or personal items.”

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If the Times had included independent human rights or international law experts in the article, this information could have been available to readers.

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In fact, the Times might have looked back to its own archives on the subject to find critics of U.S. detention policies. Some of the information included in the May 13, 2004 article was first reported on March 9, 2003— except the original story quoted Holly Burkhalter of Physicians for Human Rights, who decried the lack of a “specific policy that eschews torture.”

In response to that and a bunch of complaints about the NYT’s coverage of Abu Ghraib, NYT ombud replied,

The specific issue is the use of “abuse” rather than “torture” to describe certain actions of American military personnel, intelligence officers, and private subcontractors. I asked assistant managing editors Craig Whitney

and Allan M. Siegal for comment as they are, respectively, in charge of the news desk (where front page headlines get written) and all matters of language and style. Both were surprised when I raised the issue; both noted some substantive definitional distinctions between “abuse” and “torture”; both asserted that there is no Times policy one way or another; and both acknowledged that readers may be right.

Wrote Whitney in an e-mail message, “Now that you tell me people are reading things into our not using ‘torture’ in headlines, I’ll pay closer attention.”

Personally, I was torn – until a conversation I had last week with a reader from Germany. Absent any clear definition, I felt, it seemed reasonable to use “abuse” if it helped keep temperatures down, much as the use of “militant” instead of “terrorist” in the Palestine/Israel conflict suggests a sometimes misplaced wish neither to take sides nor to be inflammatory. (Many supporters of Israel feel very differently about this, and I expect to address the specific issue in a future column.)

But just as a terrorist is sometimes, in fact, a terrorist, torture is inescapably torture. The reader who moved me out of the muddled center on this did it with a simple question: “If the same things [that happened at Abu Ghraib] had been done to American prisoners by Iraqi authorities, would the Times have hesitated to use ‘torture’ over and over again?”

And the NYT’s language policeman went on to define torture in terms that precisely match what was done to Khalid Sheikh Mohammed.

Siegal, who notes that the Times has no policy on the use of “torture,” cautioned me in an e-mail that his sense of the word (and of “abuse”) was “impressionistic rather than researched,” but I buy what he ended up with: “Torture occurs when a prisoner is physically or psychologically maltreated during the process of interrogation, or as punishment for some activity or political position. Abuse occurs when the prisoner’s jailers maltreat her or him separately from the interrogation process.”

In other words, the NYT’s language cop defined physical maltreatment during the process of interrogation as torture. The ombud agreed that torture should be called torture. The NYT would later claim they gave voice to others balancing Administration defenders.

And yet ...

Three years passed before the NYT started balancing those defending waterboarding with quotations calling it torture in less than half of their articles discussing the practice.

So what explains the delay? As I noted above, the NYT famously soft-pedaled reporting in 2004 in anticipation of the election—but if that’s why they did this, why not change the practice in 2005? It’s possible the formal admission of waterboarding to Congress by Michael Hayden on February 5, 2008 changed things. It’s also possible that John McCain’s presidential campaign—heating up in 2007—offered a reason to consider calling waterboarding torture okay. Or, it’s possible that the NYT didn’t want to call torture torture until the Iraq war made Bush so unpopular that it became okay to let torture critics have a voice in the paper.

Whatever it is, the NYT’s own narrative about how they balanced their capitulation to the Administration with quotes from torture critics

is anachronistic.