

ALBERTO GONZALES EXPLAINS WHY TORTURE DIDN'T WORK EVEN WHILE DEFENDING IT

As I noted in an update to my Mushroom Cloud Brigade post, even Univision joined in the torture apologist fun, inviting Alberto Gonzales on to talk about the killing of Osama bin Laden. And Gonzales did defend torture.

Jorge Ramos: Mr. Gonzales The New York Times reported that the information that led to the capture of Osama Bin Laden was probably obtained through torture, through waterboarding, do you know if that was the case?

Alberto Gonzales: Well, first of all, I wouldn't describe waterboarding as torture, as you just described it. At least with respect to the application of this technique back during the Bush administration because the Department of Justice issued an opinion, a painstaking analysis of the anti-torture statute and provided guidance to the CIA that if certain precautions, certain safety measures were taken in the application of this technique that it would be lawful under the anti-torture statute and so, that's the reason why this technique was applied only three times during the Bush administration, because the President understood the need to gather information which we now believe, many are reporting, led to actual intelligence which led to the killing of Osama Bin Laden.

Yet Gonzales didn't defend torture very effectively. Even this statement is full of

equivocations: the seeming reliance on “certain safety measures” that we know weren’t used, the illogic that because it was legal it was only used three times, and his restatement of “we now believe” to “many are reporting” that torture led to OBL.

But that’s nothing compared to the way Gonzales completely undercuts the logic behind using torture here (in the question that preceded his answer on torture).

JR: Mr. Gonzales how do you explain that President Bush couldn’t get Osama bin Laden for eight years and Barack Obama did it in two years?

AG: Often time these kinds of successes are a function of timing, good luck, getting information from various sources, putting that information together which may then lead to actual intelligence. My understanding is this depended a lot on human intelligence and **every intelligence expert I know tells me that it takes a great deal of time to develop human intelligence** and so the fact that it took so long, for me I expected it to happen, I was not surprised that it happened, it was just a matter of time and it was as a result of a lot of hard work and dedication and you know the fact that it happened during the Obama administration it’s a credit to the administration, but I know this, working in the White House as the Attorney General of the United States, we did everything we could to try to find him ourselves. [my emphasis]

Implicit in the Techniques memo that authorized the Abu Zubaydah torture (which presumably served as the basis for the Khalid Sheikh Mohammed torture) is a ticking time bomb scenario. It refers to an increased level of chatter, suggesting that that means there must be an imminent attack.

Moreover, your intelligence indicates that there is currently a level of “chatter” equal to that which preceded the September 11 attacks. In light of the information you believe Zubaydah has and the high level of threat you believe now exists, you wish to move the interrogations into what you have described. as an “increased pressure phase.”

And one of Jay Bybee’s defenses of the memos signed by him specifically refers to the ticking time bomb scenario (relying on faulty intelligence about Jose Padilla that was collected using torture).

In other words, the “painstaking analysis” Gonzales claims DOJ did to authorize torture relies on the argument that torture must be used because only torture will reveal information quickly enough. But here we are, nine years after that analysis was done, and the recipient of one of the memos summarizing that analysis now concedes that “every intelligence expert” he knows confirms that “it takes a great deal of time to develop human intelligence.”

The decade long search for Osama bin Laden proves that torture did not deliver on that promise—it did not yield the most crucial intelligence immediately. And Alberto Gonzales, in his effort to defend the use of torture, concedes that it did not do so.

There’s a lot more that’s fascinating in this transcript (I’m looking for a link). Here’s the part of Gonzales’ appearance that pertains to torture.

JR: Do you think that President Bush deserves some credit for the apprehension and elimination of Osama bin Laden?

AG: Well I think a lot of people deserve

some credit, obviously President Obama and the administration should be congratulated for executing such a wonderful plan, but clearly, President Bush implemented various policies that continue still today under the Obama administration and I think helped contribute to the success that we saw this weekend.

JR: Mr. Gonzales how do you explain that President Bush couldn't get Osama bin Laden for eight years and Barack Obama did it in two years?

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JR: As Attorney General you wrote a controversial memo in February 2002 claiming that the protections of the Geneva conventions did not apply to certain prisoners and certain individuals in the wars in Iraq and Afghanistan. Do you think that it was legal to kill Osama Bin Laden?

AG: Well, I think what happened over the

weekend is very separate apart from the discussions that we had in 2002 over the Geneva convention, you asked me whether I thought it was legal to kill him, again, I wasn't there I don't know all the facts, but based on what I've been told, and based upon the reporting it seems to me that it was in fact a lawful kill. Osama Bin Laden was an enemy of the state, he was a military target and consequently it was legitimate to kill him during our conflict with Al Qaeda. If someone is raising a question that in fact he may have attempted to surrender then of course international laws would prohibit the United States from killing someone once they've indicated that they're going to surrender. But the fact that he may have been armed, he may have been unarmed, if in fact he resists capture or makes any kind of threatening move you have to remember you have the military in a very dangerous situation, decisions have to be made in a split second and based on what I understand I think that there's no question this was a lawful killing.

JR: Mr. Gonzales The New York Times reported that the information that led to the capture of Osama Bin Laden was probably obtained through torture, through waterboarding, do you know if that was the case?

AG: Well, first of all, I wouldn't describe waterboarding as torture, as you just described it. At least with respect to the application of this technique back during the Bush administration because the Department of Justice issued an opinion, a painstaking analysis of the anti-torture statute and provided guidance to the CIA that if certain precautions, certain safety measures were taken in the application of this technique that it would be

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JR: Mr. Gonzales, just to clarify, why according to you waterboarding is not torture?

AG: Well again, the question is whether or not does it violate the anti-torture statute. You and I may have very different definitions of torture, my job as a lawyer it's always to see what does a law prescribe, not what makes me uncomfortable but what is unpleasant. And clearly waterboarding is unpleasant and I'm not here to defend it as something that we should all experience. But the Department of Justice, this is when I was at the White House not at the department, but the Department of Justice under General Ashcroft rendered guidance to the executive branch that this technique if administered, under the precautions, under the watchful eye of doctors and under various safety procedures that it could be administered on high value detainees, which are individuals that had knowledge of an impending attack that it would not violate the anti-torture statute. Now, you may be offended by it, I'm offended in terms it's a very, very tough procedure no question about it. But the question as a lawyer is, does it violate the anti-torture statute? And the Department of Justice rendered opinion that it could be applied in a certain way and it not violate the statute.