

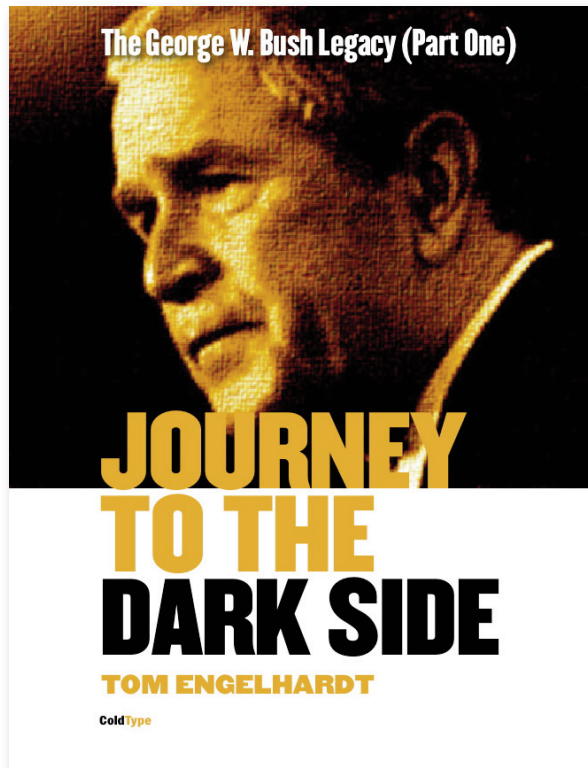


The George W. Bush Legacy (Part One)

**JOURNEY
TO THE
DARK SIDE**

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This essay originally appeared at <http://tomdispatch.com>

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JOURNEY TO THE DARK SIDE

*"Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tost to me,
I lift my lamp beside the golden door!"*

– Emma Lazarus, 1883

If you don't mind thinking about the Bush legacy a year early, there are worse places to begin than with the case of Erla Ósk Arnardóttir Lilliendahl. Admittedly, she isn't an ideal "tempest-tost" candidate for Emma Lazarus' famous lines engraved on a bronze plaque inside the Statue of Liberty. After all, she flew to New York City with her girlfriends, first class, from her native Iceland, to partake of "the Christmas spirit." She was drinking white wine en route and, as she put it, "look[ing] forward to go shopping, eat good food, and enjoy life." On an earlier vacation trip, back in 1995, she had overstayed her visa by three weeks, a modest enough infraction, and had even returned the following year without incident.

This time – with the President's Global War on Terror in full swing – she was pulled aside at passport control at JFK Airport, questioned about those extra three weeks 12 years ago, and soon found herself, as she put it, "handcuffed and chained, denied the chance to sleep... without food and drink and... confined to a place without anyone knowing my whereabouts, imprisoned." It was "the greatest humiliation to which I have ever been subjected."

By her account, she was photographed, fingerprinted, asked rude questions – "by men

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anxious to demonstrate their power. Small kings with megalomania” – confined to a tiny room for hours, then chained, marched through the airport, and driven to a jail in New Jersey where, for another nine hours, she found herself “in a small, dirty cell.” On being prepared for the return trip to JFK and deportation, approximately 24 hours after first debarking, she was, despite her pleas, despite her tears, again handcuffed and put in leg chains, all, as she put it, “because I had taken a longer vacation than allowed under the law.”

On returning to her country, she wrote a blog – read it in Issue 22 of the *ColdType Reader* at <http://www.coldtype.net/reader.html> – about her unnerving experience and the Icelandic Foreign Minister Ingibjörg Sólrún Gísladóttir met with U.S. Ambassador Carol van Voorst to demand an apology. Just as when egregious American acts in Iraq or Afghanistan won't go away, the Department of Homeland Security announced an “investigation,” a “review of its work procedures” and expressed “regrets.” But an admission of error or an actual apology? Uh, what era do you imagine we're living in?

Erla Ósk will undoubtedly think twice before taking another fun-filled holiday in the U.S., but her experience was no aberration among Icelanders visiting the U.S. In fact, it's a relatively humdrum one these days, especially if you appear to be of Middle Eastern background.

Take, for instance, 20-year veteran of the National Guard Zakariya Muhammad Reed (born Edward Eugene Reed, Jr.) who, for the last 11 years, has worked as a firefighter in Toledo, Ohio. Regularly crossing the Canadian border to visit his wife's family, he has been stopped so many times – “I was put up against the wall and thoroughly frisked, any more thoroughly and I would have asked for flowers...” – that he is a connoisseur of detention. He's been stopped five times in the last seven months and now chooses his crossing place based on the size of the detention waiting room he knows he'll end up in. It took several such incidents, during which no explanations were offered, before he discovered that he was being stopped in part because of his name and in part because of a letter he wrote to the *Toledo Blade* criticizing Bush administration policies on Israel and Iraq.

The first time, he was detained in a small room with two armed guards, while his wife and children were left in a larger common room. While he was grilled, she was denied permission to return to their car even to get a change of diapers for their youngest child. When finally released, Reed found his car had been “trashed.” (“My son's portable DVD player was broken, and I have a decorative Koran on the dashboard that was thrown on the floor.”) During another episode of detention, an interrogator evidently attempted to intimidate him by putting his pistol on the table at which they were seated. (“He takes the clip out of his weapon, looks at the ammunition, puts the clip back in, and puts it back in his holster.”) His first four border-crossing detentions were well covered by Matthew Rothschild in a post at the *Progressive* magazine's website. During his latest one, he was questioned about Rothschild's

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coverage of his case.

The essence of his experience is perhaps caught best in a comment by Customs and Border Protection agent made in his presence: "We should treat them like we do in the desert. We should put a bag over their heads and zip tie their hands together."

Or take Nabil Al Yousuf, not exactly a top-ten candidate for the "huddled masses" category; nor an obvious terror suspect (unless, of course, you believe yourself at war with Islam or the Arab world). According to the *Washington Post's* Ellen Knickmeyer, Yousuf, who is "a senior aide to the ruler of the Persian Gulf state of Dubai," always has the same "galling" experience on entering the country:

"A U.S. airport immigration official typically takes Yousuf's passport, places it in a yellow envelope and beckons. Yousuf tells his oldest son and other family members not to worry. And Yousuf – who goes by 'Your Excellency' at home – disappears inside a shabby back room. He waits alongside the likes of 'a man who had forged his visa and a woman who had drugs in her tummy'... He is questioned, fingerprinted and photographed."

Despite his own fond memories of attending universities in Arizona and Georgia, Yousuf has decided to send his son to college... in Australia. Knickmeyer adds:

"A generation of Arab men who once attended college in the United States, and returned home to become leaders in the Middle East, increasingly is sending the next generation to schools elsewhere. This year, Australia overtook the United States as the top choice of citizens of the United Arab Emirates heading abroad for college, according to government figures here."

This is what "homeland security" means in the United States today. It means putting your country in full lockdown mode. It means the snarl at the border, the nasty comment in the waiting room, the dirty cell, the handcuffs, even the chains. It means being humiliated. It means a thorough lack of modulation or moderation. Arriving here now always threatens to be a "tempest-tost" experience whether you are a citizen, a semi-official visitor, or a foreign tourist. (After all, even Sen. Ted Kennedy found himself repeatedly on a no-fly list without adequate explanation.) Think of these three cases as snapshots from the borders of a country in which the presumption of innocence is slowly being drained of all meaning.

NEWS FROM NOWHERE

So far, of course, we've only been talking about the lucky ones. After all, Erla Ósk, Zakariya Muhammad Reed, and Nabil Al Yousuf all made it home relatively quickly. In the final weeks

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of 2007, a little flood of press reports tracked more extreme versions of the global lockdown the Bush administration launched in late 2001, cases in which, after the snarl, the door clanged shut and home became the barest of hopes.

Take, for example, a December 1st *Washington Post* piece in which reporter Craig Whitlock revealed one more small part of the CIA's global network of secret imprisonment. We already knew, among other things, that the CIA had set up and run its own secret prisons in Eastern Europe and probably in Thailand; that it had a network of secret sites in Afghanistan such as "the Salt Pit" near Kabul; that it may have used the "British" island of Diego Garcia in the Indian Ocean, as well as American ships, naval and possibly commercial, to hold prisoners beyond the purview of any authority or even the visits of the International Red Cross; that it ran an air fleet of leased executive jets (including some from Jeppesen Dataplan, a subsidiary of Boeing, which made it back into the news in December because of a lawsuit launched by the ACLU); that these were used to transport terror suspects it snatched up off city streets or battlefields anywhere on the planet to its own "black sites" or which it "rendered" in "extraordinary" manner to the jails and torture chambers of Syria, Egypt, Uzbekistan, and other lands whose agents had no qualms about torturing and abusing prisoners.

Whitlock, however, added a new piece to the CIA's incarceration puzzle: an "imposing building" on the outskirts of Amman, Jordan. This turns out to be the headquarters of the General Intelligence Department, Jordan's powerful spy and security agency (and the CIA's closest Arab ally in the Middle East). Known as a place where torture is freely applied, it has been a way-station for "CIA prisoners captured in other countries." The first terror suspects kidnapped by Agency operatives were, it seems, flown to Jordan and housed in that building before Guantanamo was up and running or the Agency had been able to set up its own secret prisons elsewhere. There, the prisoners were hidden, even from the International Red Cross. To cite but one case Whitlock mentions:

"Jamil Qasim Saeed Mohammed, a Yemeni microbiology student, was captured in a U.S.-Pakistani operation in Karachi a few weeks after 9/11 on suspicion of helping to finance al-Qaeda operations. Witnesses reported seeing masked men take him aboard a Gulfstream V jet at the Karachi airport Oct. 24, 2001. Records show that the plane was chartered by a CIA front company and that it flew directly to Amman. Mohammed has not been seen since. Amnesty International said it has asked the Jordanian government for information on his whereabouts but has not received an answer."

Also in December, because of that lawsuit against Jeppesen, we got our first insider's account of the CIA "black sites" (and, thanks to *Salon.com*, even architectural plans for a few

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of the interrogation rooms and prison cells at those sites, all of which seem to have cameras in them). It was here that "high-value targets" were incarcerated, isolated, and subjected to various "enhanced interrogation techniques."

Mohamed Farag Ahmad Bashmilah, a Yemeni, was picked up by the Jordanians in Amman in 2003 and tortured into signing a "full confession" (to acts he had not committed). He was then turned over to the CIA and flown to Kabul (and possibly Eastern Europe as well) where he was imprisoned. He has offered in-depth accounts that give a sense of what those "enhanced interrogation techniques" the Bush administration sponsors so enthusiastically are all about at a personal level. In the end, while in CIA custody, Bashmilah was driven to several suicide attempts, including one in which, using a bit of metal, he slashed his wrist and wrote, "I am innocent," on a cell wall in his own blood.

Here is just part of a description he offered Amy Goodman of *Democracy Now!* of being prepared for transport by CIA air taxi into black-site hell:

"And then they put... like little plugs inside the ears, plastic. And then they put gauze on that, on the ears. And then they taped that with very strong adhesive tape. And then they put a hood over my head. And then, on top of that, they put a headphone. This is as far as the top of my body was. And then they handcuffed me with a chain, and also they chained my ankles. Then they put a belt above the pants, and then they tied the hands and the ankles to that belt. This was after being slapped and kicked until I almost fainted."

In his cell in a secret prison in Afghanistan, "[i]n the beginning, it was totally dark. It was as if you were inside a tomb. Then, after that, they would turn a light on. Above the door, there was a camera. And there was constant loud music." From then on, neither the lights, nor the music went off. As Mark Benjamin of *Salon.com* wrote, "His leg shackles were chained to the wall. The guards would not let him sleep, forcing Bashmilah to raise his hand every half hour to prove he was still awake... Guards wore black pants with pockets, long-sleeved black shirts, rubber gloves or black gloves, and masks that covered the head and neck. The masks had tinted yellow plastic over the eyes. 'I never heard the guards speak to each other and they never spoke to me,' Bashmilah wrote in his declaration..."

"After 19 months of imprisonment and torment at the hands of the CIA, the agency released him [in Yemen] with no explanation, just as he had been imprisoned in the first place. He faced no terrorism charges. He was given no lawyer. He saw no judge. He was simply released, his life shattered."

No charges, no lawyers, no judge. This is increasingly the norm of – and a legacy of –

George Bush's world. In this way, the snarl at the borders melds with the screams of terror in cells worldwide.

EMBEDDED REPORTS FROM THE DARK SIDE

A new Pentagon term came into use in the Bush era. With the invasion of Iraq, reporters were said to be "embedded" in U.S. military units. That term – so close in sound to "in bed with" – should have wider uses. You could, for instance, say that Americans have, since September 2001, been "embedded," largely willingly, in a new lockdown universe defined by a general acceptance of widespread acts of torture and abuse, as well as of the right to kidnap (known as "extraordinary rendition"), and the creation and expansion of an offshore Bermuda Triangle of injustice, all based on the principle that a human being is guilty unless proven (sometimes even if proven) innocent. What might originally have seemed like emergency measures in a moment of crisis is now an institutionalized way of life. Whether we like it or not, these methods increasingly define what it means to be an American. In this manner, despite the "freedom" rhetoric of the Bush administration, the phrase "the price of freedom" has been superseded by the price of what passes for "safety" and "security."

Media coverage of such subjects reflects this. The cases above, all reported in December, barely scratch the surface of this universe. Just a glance at other December stories – some barely attended to, or dealt with by minor outlets or in humdrum ways, but many well covered in major papers and still causing little consternation – indicates just how normalized all this has become.

A legacy can often be framed in words. So here's a little rundown of just some areas in which, when it came to torture, kidnapping, and offshore imprisonment, 2007 ended in a deluge, not a trickle:

Destroyed Tapes: One issue connected to torture – sorry, "enhanced interrogation techniques" – did get major coverage last month, the revelation on the front page of the December 6 *New York Times* of the destruction, in 2005, of hundreds of hours of CIA videotapes of the first two major interrogations, including waterboardings, of al-Qaeda operatives – in this case, Abu Zubaydah and Abd al-Rahim al-Nashiri. In the weeks that followed, responsibility for the decision to destroy those tapes has been creeping ever higher, with four key lawyers connected to the White House and the Vice President's office brought into the mix in mid-December, and reports that the chief of the CIA's National Clandestine Service, Jose A. Rodriguez, who ordered their destruction, may soon testify before Congress under immunity and implicate as yet unnamed higher-ups.

As with all such cover-up stories, this one can only get worse. It has already been report-

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ed in the *Wall Street Journal* that the faces of more senior CIA officials, not just low-level interrogators, may have been caught on those tapes from the administration's secret torture chambers. We are sure to learn that these were hardly the only interrogations taped by the Agency. As yet, by the way, almost all attention has gone to the destruction of the tapes, little to why they were made in the first place. As December ended, however, Scott Shane of the New York Times wrote a piece, "Tapes by CIA Lived and Died to Save Image," with this telling line from the CIA's then number three official, A. B. Krongard: "You want interrogators in training to watch the tapes." Think about that a moment. The Justice Department, which, along with the CIA's Inspector General, launched an investigation of the tape destruction under pressure, also attempted to shut down congressional investigations of the same – unsuccessfully.

Kidnapping Is the Law: According to the British *Sunday Times*, "A senior lawyer for the American government has told the Court of Appeal in London that kidnapping foreign citizens is permissible under American law because the U.S. Supreme Court has sanctioned it." According to that lawyer, the precedent "goes back to bounty hunting days in the 1860s." This applies, it seems, not just to terror suspects in extraordinary rendition cases, but to white businessmen wanted for, say, fraud. "The American government has for the first time made it clear in a British court that the law applies to anyone, British or otherwise, suspected of a crime by Washington." International human rights lawyer Scott Horton writes at his *No Comment* blog:

"This is not U.S. law, it is a Bush Administration hallucination as to U.S. law... The sort of nightmare which refuses to recognize the sovereignty of foreign states or the solemn commitments of U.S. governments over the last two centuries in treaties and conventions. The sort of nightmare that refuses to recognize the 'law of nations' referred to by the Founding Fathers and incorporated into the Constitution."

Innocence at Guantanamo: New military and court documents were released in December, thanks to a suit by lawyers representing Murat Kurnaz, that further illuminated the case of the 19-year old German citizen who "chose a bad time to travel." Kurnaz was captured by the U.S. Army in Pakistan in 2002 and transported to Guantanamo. There, within months, according to the *Washington Post's* Carol D. Leonnig, "his American captors concluded that he was not a terrorist." This was the consensus of intelligence officials. He was nonetheless declared a "dangerous al-Qaeda ally" by successive military tribunals at the prison and was not released until August 2006 when he was flown to freedom in Germany "goggled, masked and bound, as he had been when he was flown to Guantanamo Bay."

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Evidence from Waterboarding: According to Josh White of the *Washington Post*, Brig. Gen. Thomas W. Hartmann, "[t]he top legal adviser for the military trials of Guantanamo Bay detainees told Congress... that he cannot rule out the use of evidence derived from the CIA's aggressive interrogation techniques, including waterboarding." He even refused to say that waterboarding would be illegal if used by the interrogators of another country on U.S. military personnel. In a confirmation hearing before the Senate Judiciary Committee, like his boss Attorney General Michael Mukasey, Mark Filip, the administration's nominee for second-in-command at the Justice Department, also refused to take a stand on waterboarding, even though he called it "repugnant."

Torture Veto: In December, President Bush threatened to "veto a House [of Representatives] bill that would explicitly ban a variety of abhorrent practices. The bill would require U.S. intelligence agencies to follow interrogation rules adopted by the armed forces last year."

Torturers speak out: In December, two figures connected with U.S. torture practices spoke out. John Kiriakou, a CIA agent involved in capturing top al-Qaeda operatives, gave interviews to ABC and NBC News in which he called waterboarding "torture," regretted its use ("we Americans are better than that"), and also insisted that "[t]his was a policy made at the White House, with concurrence from the National Security Council and justice department." In the meantime, Damien Corsetti, a former private in the U.S. Army who served as an interrogator in Kabul, Afghanistan (and was nicknamed the "king of torture" and "the monster" by his colleagues at Bagram prison), gave an interview to the Spanish paper *El Mundo*, describing the beatings and torture techniques used there. ("They tell them they are going to kill their children, rape their wives. And you see on their faces, in their eyes, the terror that that causes them. Because, of course, we know all about those people. We know the names of their children, where they live – we show them satellite photos of their houses. It is worse than any torture.") He also claimed that 98% of the prisoners, as far as he could tell, had nothing to do with either al-Qaeda or the Taliban, and observed, "In Abu-Ghurayb and Bagram they were tortured to make them suffer, not to get information out of them." Both men denied themselves torturing or mistreating anyone.

Justice Moves Fast: The Justice Department, which dragged its feet on those destroyed CIA videotapes (and then tried to submarine a congressional investigation of the same), nonetheless reacted strongly to the horrors of torture in another context. Its officials moved swiftly to investigate whether former agent John Kiriakou, in giving that interview about waterboarding to ABC News, had "illegally disclosed classified information in describing the capture and waterboarding of an al-Qaeda terrorism suspect." Consider that a message

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about priorities from the powers that be.

Iraqis in American Jails: Latest estimates are that up to 30,000 Iraqis are now held in American prisons in Iraq. While this figure falls 10,000 short of the number of Iraqis American commander Gen. David Petraeus believed might be arrested during the "surge" months in Baghdad and elsewhere, it does add up, as Juan Cole points out at his Informed Comment website, to 0.1% of what's left of the Iraqi population, or approximately one out of every 1,000 Iraqis.

Think of these eight stories as themselves only the tip of December's melting iceberg of news on such topics. You could no less easily write about lawyer Andrew Williams, a JAG officer with the Naval Reserves, who resigned his commission in response to the unwillingness of Gen. Hartmann "to call the hypothetical waterboarding of an American pilot by the Iranian military torture." In a letter to the *Peninsula Gateway* of Gig Harbor, Washington, Williams wrote in part:

"Thank you, General Hartmann, for finally admitting the United States is now part of a long tradition of torturers going back to the Inquisition.... Waterboarding was used by the Nazi Gestapo and the feared Japanese Kempeitai... Waterboarding was practiced by the Khmer Rouge at the infamous Tuol Sleng prison. Most recently, the U.S. Army court martialled a soldier for the practice in 1968 during the Vietnam conflict.

"General Hartmann, following orders was not an excuse for anyone put on trial in Nuremberg, and it will not be an excuse for you or your superiors, either. Despite the CIA and the administration attempting to cover up the practice by destroying interrogation tapes, in direct violation of a court order, and congressional requests, the truth about torture, illegal spying on Americans and secret renditions is coming out."

Or you could mention the news that the "Australian Taliban," David Hicks, the sole person actually convicted on terrorism charges at Guantanamo, was released after serving a nine-month sentence in Australia (and five years of non-sentence time in Cuba); or the first reports on the Internet of speculation in Washington that George Bush himself might have viewed parts of those CIA interrogation tapes, or the *Washington Post* report that, in 2002, four key Congressional figures, including Nancy Pelosi, had been given "a virtual tour of the CIA's overseas detention sites and the harsh techniques interrogators had devised to try to make their prisoners talk," including waterboarding, without objections being raised. Or... but the list is almost unending.

THE BUSH LEGACY

As a people, we Americans have not faintly come to grips with how centrally the Bush administration has planted certain practices in our midst – at the very heart of governmental practice, of the news, of everyday life. Many of these practices were not in themselves creations of this administration. For instance, the practice of kidnapping abroad – “rendition” – began at least in the Clinton era, if not earlier. Waterboarding, a medieval torture, was first practiced by American troops in the Philippine insurrection at the dawn of the previous century. (It was then known as “the water cure.”)

Torture of various sorts was widely used in CIA interrogation centers in Vietnam in the 1960s. Back in that era, the CIA also ran its own airline, Air America, rather than just leasing planes from various corporate entities through front businesses. Abu Ghraib-style torture and abuse, pioneered by the CIA in the 1950s and 1960s, was taught and used by American military, CIA, and police officials in Latin America from the 1960s into the 1980s. If you doubt any of this, just check out Alfred McCoy's still shocking book, *A Question of Torture*. Even offshore secret CIA prisons aren't a unique creation of the Bush administration. According to Tim Weiner in his new history of the Central Intelligence Agency, *Legacy of Ashes*, in the 1950s the Agency had three of them – in Japan, Germany, and the Panama Canal Zone – where they brought double agents of questionable loyalty for “secret experiments” in harsh interrogation, “using techniques on the edge of torture, drug-induced mind control, and brainwashing.”

And yet, don't for a second think that nothing has changed. Part of the Bush legacy lies in a new ethos in this country. In my childhood in the 1950s, for example, we knew just who the torturers were. We saw them in the movies. They were the sadistic Japanese in their prison camps, the Gestapo in their prisons, and the Soviet Secret police, the KGB, in their gulags (even if that name hadn't yet entered our world). As the President now says at every opportunity, and as we then knew, Americans did not torture.

Today, and it's a measure of our changing American world, a child turning on the TV serial “24” or heading for the nearest hot, new action flick at the local multiplex knows that Americans do torture and that torture, once the cultural province of our most evil enemies, is now a practice that is 100% all-American and perfectly justifiable (normally by the ticking-bomb scenario). And few even blink. In lockdown America, it computes. The snarl at the border fits well enough with what our Vice President has termed a “no-brainer,” a “dunk in the water” in the torture chamber. There is no deniability left in the movies – and little enough of it in real life.

American presidents of the Vietnam and Latin American war years operated in a realm of

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deniability when it came to torture and other such practices. No American could then have imagined a Vice President heading for Capitol Hill to lobby openly for a torture bill or a President publicly threatening to veto congressional legislation banning torture techniques. Call it the end of an era of American hypocrisy, if you will, but the Bush legacy will be, in part, simply the routinization of the practice of torture, abuse, kidnapping, and illegal imprisonment.

George W. Bush didn't invent the world he inhabits. He, his top officials, and all their lawyers who wrote those bizarre "torture memos" that will be hallmarks of his era chose from existing strains of thought, from urges and tendencies already in American culture. But their record on this has, nonetheless, been remarkable. In just about every case, they chose to bring out the worst in us; in just about every case, they took us on as direct a journey as possible to the dark side.

It's not necessary to romanticize the American past in any way to consider the legacy of these last years grim indeed. Let no one tell you that the institution of a global network of secret prisons and borrowed torture chambers, along with those "enhanced interrogation techniques," was primarily done for information or even security. The urge to resort to such tactics is invariably more primal than that. Words matter more than one would think. In the Bush era, certain words have simply been sidelined. Sovereignty, for instance. If, in principle, you can kidnap anyone, anywhere, and transport that person into a ghost existence anywhere else, then national sovereignty essentially no longer has significance. This is one meaning of "globalization" in the twenty-first century. On Planet Bush, only one nation remains "sovereign," and that's the United States of America.

If you want to test this proposition, just take any case mentioned above, from Erla Ósk's landing in New York on, and try to reverse it. Make an American the central victim and another country of your choice the perpetrator and imagine the reaction of the Bush administration, no less the American media and the public (no matter what Gen. Hartmann may be unwilling to say about the waterboarding of an American serviceman).

Or consider another word that once had great resonance in American culture, not to speak of its legal system: innocence. Americans prided themselves on their "innocence" – even when mocked as "innocents abroad" – and took pride as well in a system based on the phrase, "innocent until proven guilty." Despite their repeated, thoroughly worn denials about torture, the top officials of this administration remade themselves, in the wake of the attacks of 9/11, as a Torture, Inc. And their actions since then have gone a long way toward turning us, by association and tacit acquiescence, into a nation of torturers, willing to accept, in case after case, that a "war" against "terror" supposed to last for generations justifies just about any act imaginable, including the continued mistreatment and incarceration of people who remain somehow guilty even, in certain cases, after being proven innocent.

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This is the American welcome wagon of the twenty-first century. If you really want to catch the spirit of the Bush legacy one year early, try to imagine the poem an Emma Lazarus of this moment might write, something appropriate for a gigantic statue in New York harbor of a guard from Mohamed Bashmilah's living nightmare – dressed all in black, a black mask covering his head and neck, tinted yellow plastic over the eyes, a man, hands sheathed in rubber gloves, holding up not a torch but a video camera and dragging chains.



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