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Is This Country Joseph Welch Or Joe McCarthy?

National Affairs

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"Until this moment, Senator, I think I never really gauged your cruelty, or your recklessness." "I like to think I am a gentle man, but your forgiveness will have to come from someone other than me." "[A]nd if there is a God in heaven, it will do neither you nor your cause any good." "Have you no sense of decency sir, at long last? Have you left no sense of decency?" (Emphasis added.)

These were some of the unforgettable things Joseph Welch said to Joe McCarthy during their famous interchange.

This country may now have arrived at a Joseph Welch moment, a moment when it must show it has a sense of decency and must declare itself to be on the side of decent men like Joseph Welch or it must show it has no decency and is on the side of bums like Joe McCarthy. This moment has arisen with regard to Bush, Cheney, Rumsfeld and the rest of that crowd, one of whom, Cheney, has now been called "evil" by the famous Colonel Lawrence Wilkerson, Colin Powell's former assistant. Many of us have long known these people were evil personified; this writer even publicly said a few times that they were guilty of treason to the United States Constitution because they were attempting to destroy the constitutional plan. But I, at least, do not remember anyone prominent in public life, which this writer certainly is not, saying previously that any of those criminals are evil, as they surely are.

Two writings have brought us to a Joseph Welch moment. One is the leaked - to Mark Danner anyway - confidential, secret report of the Red Cross on the details of the

American program of torture and abuse of detainees, a report that was written for the eyes of the CIA's General Counsel, John Rizzo - who was himself one of the criminals. This report, as Danner says, has to be true given the way it was compiled - and, I would add, given that there have been so many other articles, books and official reports saying the same thing, albeit not in such detail. What Danner says is written in the Red Cross report was almost entirely, or entirely, contained in the Preliminary Report of the Robert Jackson Committee released three months ago. I must say, however, that the Red Cross' description of using collars to swing detainees face first into walls is more graphic even than the description in the Jackson Preliminary Report.

Also more extensive than in the Preliminary Report is Danner's description of the real time participation in the torture by senior CIA officials and high Administration officials. In FDR's day there used to be a saying, "Clear it with Sidney," a saying attributed to FDR himself, I believe. What it meant was that if someone was propounding an idea, they had to first run it by and get the approval of Sidney Hillman, a powerful labor leader of the day. In the 2000s, analogously, people on the ground who were perpetrating torture and abuse anywhere in the world had to first get approval in advance from the most senior CIA and Administration officials for every single action of torture and abuse, whether done by itself or, as was customary, as part of long lasting combinations of methods of torture and abuse (you beat him mercilessly, then you smash his face into walls, then you put him in a stress position for hours or literally days on end, then you waterboard him - perhaps a few times in a single day, then you deprive him of sleep for days or weeks on end while in a freezing cell or a steamingly hot box half the size of a coffin, then you pour freezing water over him, etc., etc., rinse and repeat, rinse and repeat, rinse and repeat for weeks on end).

What was being done was, as said, well known in real time to high CIA officials, to members of the so-called Principals' Committee including Cheney, Rice, Ashcroft and others whom George Tenet regularly briefed, to Bush, who publicly lied through his eye teeth about what was being done, and to others. They all knew of and signed off on what was being done.

That all of this is so has been known for some time, was all collected in Jane Mayer's book albeit it was scattered in the book, is set forth, as indicated, in the Jackson Preliminary Report, and now has appeared in Danner's article about the Red Cross report in the New York Review of Books. But the mainstream media has largely ignored - not exclusively but largely ignored - all of this. Whether this is due to the MSM's (MainStream Media) typical incompetence or, at least equally likely, to complicity arising from a variety of indefensible reasons (e.g., false claims that the facts have all been known previously (though never considered in combination), a desire to be complicitous with the political powers that be in order to be seen as serious players and to preserve access to high ranking sources, warnings from corporate front offices worried about losing money if these matters are mentioned) is not something I shall discuss. One thing that one does know is that the MSM has largely avoided this stuff like the plague, just as it avoided casting doubts on the WMD claims that were used to produce war.

The Congress, too, has been running away from this stuff, and so has Obama. Were they not running from it, they would be calling for prosecutions of the criminals. Instead, however, we are hearing about possible, almost surely secret, Congressional

investigations - which will keep facts away from the American public - in order to find out whether the Bush Administration kept information from Congress - which we already have known for years it certainly did. And we are hearing about truth and reconciliation commissions, with immunity given to arch criminals in exchange for testimony, in order to find out the facts - which already are largely known and, to the extent not known, would come out in criminal prosecutions.

Why are the politicians running, and using these dodges in order to do so? Well, in major part it is because many of them too are almost surely guilty, at least the gangs of four or eight who are or were leaders of the relevant intelligence committees and received briefings about what was going on. The word on the street is that Nancy Pelosi and Jay Rockefeller are especially terrified and are working behind the scenes to kill any possibility of prosecutions. Maybe somebody should ask them and a few others straight out about the word on the street to see if they deny it - denials which could get the press involved full tilt to determine if the denials are true or untrue. If they are untrue, so much the better.

So the Danner article on the Red Cross report has presented us with a Joseph Welch moment: are this country and its politicians now so far beyond redeeming virtue that we will tolerate not prosecuting the obviously guilty who have disgraced this nation in the eyes of scores, maybe hundreds, of millions of citizens and in the eyes of almost every foreign nation. Have we decided that Robert Jackson's unforgettable statement at Nuremberg that the proceedings there were not mere victor's justice, but were an effort to establish rules to govern victor and vanquished alike, was just so much hot air?

Here is the second reason for the Joseph Welch moment. Last Tuesday the famous Colonel Lawrence Wilkerson, previously an aide to Secretary of State Powell, disclosed on the internet disgraceful information - worse than disgraceful information - that had largely been kept secret for years. As far as I know, the MSM has wholly disregarded what Wilkerson revealed, doubtlessly for the same reasons given earlier.

Wilkerson revealed that, almost from day one, the very highest American officials knew that almost all of the prisoners at Guantanamo were innocent, but decided to keep these innocent people at Guantanamo anyway for the duration - for many, many years, for a period outlasting Bush's term(s) in office - because they were scared to death at being revealed yet again to be incompetent. So innocent people - of no intelligence value in actuality - were kept locked up for years for the self protective purposes of political men, just as was done in the worst dictatorships, just as was done under Hitler and Stalin.

Wilkerson says the capture and transportation to Gitmo of the innocent occurred because of the incompetent way we fought and arrested people - too few soldiers (thank you, Mr. Rumsfeld), too few of them trained in the art of properly vetting captives, payment of bonuses to warlords to hand over people to us. The same mistakes, says Wilkerson, were reiterated in Iraq, and such mistakes resulted in the long detention of such supposedly hard core, unregenerate terrorists as a 13 year old boy and a man over 90 years old.

Desperately seeking an excuse to imprison for the (never ending) duration innocent

people whom they had collected and brought to Gitmo, the Cheneys and Rumsfelds invented a theory for holding the innocent forever. It was the "mosaic philosophy," and strikes me as exactly the same theory used to justify the NSA's electronic spying on everyone. Under the mosaic theory, says Wilkerson, if a man were captured in or near areas of operations, he must know at least something (e.g., I suppose, whether Taliban were in the area, or what an Al-Qaeda commander might look like). When snippets from the innocent are combined with other snippets from other, often innocent, people held in custody for years, the result, the "mosaic," might possibly be turned into useful intelligence. "Thus," says Wilkerson, "as many people as possible had to be kept in detention for as long as possible to allow the philosophy of intelligence gathering to work. The detainees' innocence was inconsequential. After all, they were ignorant peasants for the most part and mostly Muslim to boot." (Emphasis in original.)

Now, we all know that, when it comes to the hard core terrorists of Al-Qaeda, when it comes to the men who planned 9/11, lots of American don't care and will never care that they were tortured. This would likely be true even if no intelligence of any value has been obtained from them by torture, as a lot of people with relevant knowledge believe. But to hold innocent people for years on end - at a facility (Gitmo) where there was regular torture and abuse, moreover? To keep people known to be innocent in jail for a significant chunk of their lives? This, one suspects, will strike lots of people as a horse of a different color entirely. Yet despite this - or perhaps because of it? - the mainstream media, as far as I can see, has largely ignored what Wilkerson said. It has ignored it though, in news that it happily carried, and which Wilkerson assailed, Cheney has taken to the airwaves to denounce Obama for planning to close down Guantanamo, has claimed that releasing the innocent from that prison will cause more attacks by releasing jihadists when those who will be released are mainly innocent (of course as Wilkerson says, maybe he too - or you or I - would become a jihadist if Cheney and Rumsfeld had done to us what they did to innocent Muslims), and has "unmistakabl[y] stok[ed] . . . the 20 million listeners of Rush Limbaugh, half of whom we could label, judiciously, as half-baked nuts." (Emphasis in original.) Cheney and his like "are evil people," says Wilkerson, and to that comment one can only say "Amen." They are evil. They are traitors to the American Constitution.

Letting people like that go unprosecuted, letting them continue to walk free - often as wealthy men, no less - letting them continue to walk free even though they locked up innocent people for years in order to serve their own selfish political purposes, just as Hitler and Stalin did, is just as bad as it would be to let Bernard Madoff walk free, could even be considered worse than it would be to let Madoff walk free. Cheney, Rumsfeld and their ilk are at least as purely evil as he, are perhaps more evil than he.

Given all this, we now face a Joseph Welch moment when the Congress, the Executive, including Obama, and the American people will stand revealed as either being on the side of decency, on the side of persons like Joseph Welch, or on the side of indecency, on the side of persons like Joe McCarthy. We must either choose prosecutions to uphold decency, or no prosecutions, which would reward indecency.

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