EVEN BIPARTISAN CONVENTIONAL WISDOM REPORT SAYS IT WAS TORTURE

The Constitution Project has released a major report on the government's torture program. You can download the report here.

The report is important and comprehensive, but not without flaws. It took me a matter of minutes to find a number of errors, repetition of dangerous misinformation, and incomplete reporting. While I may lay out some of these problems at more length after the report has had its big publicity splash, suffice it to say the report tends to preference newspaper reporting over actual primary sources, and at times it appears completely unaware of what primary sources say.*

As such, the report represents a cautious, bipartisan, institutionalist view. Which is why its conclusion is so valuable. Because even this cautious, bipartisan, institutionalist report concludes the following (among other findings):

> Finding #1 U.S. forces, in many instances, used interrogation techniques on detainees that constitute torture. American personnel conducted an even larger number of interrogations that involved "cruel, inhuman, or degrading" treatment. Both categories of actions violate U.S. laws and international treaties. Such conduct was directly counter to values of the Constitution and our nation.
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> Finding #2
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> The nation's most senior officials, through some of their actions and failures to act in the months and years immediately following the September 11

> attacks, bear ultimate responsibility for allowing and contributing to the spread of illegal and improper interrogation techniques used by some U.S. personnel on detainees in several theaters. Responsibility also falls on other government officials and certain military leaders.
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> Finding #3
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> There is no firm or persuasive evidence that the widespread use of harsh interrogation techniques by U.S. forces produced significant information of value. There is substantial evidence that much of the information adduced from the use of such techniques was not useful or reliable.
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> Finding #16
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> For detainee hunger strikers, DOD operating procedures called for practices and actions by medical professionals that were contrary to established medical and professional ethical standards, including improper coercive involuntary feedings early in the course of hunger strikes that, when resisted, were accomplished by physically forced nasogastric tube feedings of detainees who were completely restrained.
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> Finding #19
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> The high level of secrecy surrounding the rendition and torture of detainees since September 11 cannot continue to be justified on the basis of national security.
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> Finding #21
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> The Convention Against Torture requires each state party to “[c]riminalize all acts of torture, attempts to commit torture, or complicity or participation

> in torture," and "proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction." The United States cannot be said to have complied with this requirement.

In short: it was torture, it was illegal, it was not valuable, and it still needs to be prosecuted. (And, among other findings implicating it directly, the Obama Administration needs to stop force feeding Gitmo detainees.)

And all that's ignoring some of the more damning evidence out there.

Let's see whether bipartisan conventional wisdom serves its purported purpose, effecting change in cautious, institutionalist DC.

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*I am admittedly biased on this front. I was within a day of being contracted to collect documents for this effort, but someone involved in the process deemed me — at a time when I was already loudly criticizing the Obama Administration for things they've done — too partisan for the project. Some of the documents I had already identified at that time are utterly absent from this report; in their place the report claims ignorance.