

# THE GRAY LADY CALLS THE GOP CANDIDATES GRAY

The NYT had a hysterical editorial calling out the GOP candidates for claiming that waterboarding is not torture.

As hard as it is to believe, the Republican candidates for president seem to have learned very little from the moral calamities of the administration of George W. Bush. Three of the contenders for the party's nomination have now come out in favor of the torture known as waterboarding. Only two have said it is illegal, and the rest don't seem to have the backbone to even voice an opinion on the subject.

At Saturday night's debate in South Carolina, Herman Cain and Michele Bachmann said they would approve waterboarding of prisoners to extract information. **They denied, of course, that waterboarding is torture, even though it's been classified as such since the Spanish Inquisition.** "Very disappointed by statements at S.C. GOP debate supporting waterboarding," Senator John McCain, the 2008 Republican presidential nominee, wrote on Twitter. "Waterboarding is torture."

[snip]

As empty as Mr. Romney's remarks were about Iran, his refusal to renounce waterboarding is disturbing. There are few issues that more clearly define a candidate's national security policy in the 21st century than a position on torture. A few candidates will fight terrorism using the rule of law, honoring the nation's moral standards to encourage other countries to do the

same. Others will defend the United States by promising to extract information from captives using pain and simulating death, degrading the nation's reputation. That group now includes Mr. Cain, Mrs. Bachmann and Mr. Romney. [my emphasis]

Oh, I agree with the sentiment. On this issue (aside from Jon Huntsman and Ron Paul) the GOPers are a bunch of immoral thugs.

But I'm rather amused that the editorial page of the NYT—the NYT!!!—is attacking others for refusing to call waterboarding torture.

As Glenn Greenwald noted, here's what two of the then-editors have had to say about whether waterboarding is torture or not.

*New York Times* Executive Editor Bill Keller explaining why his newspaper won't describe Bush interrogation techniques as "torture":

[D]efenders of the practice of water-boarding, including senior officials of the Bush administration, insisted that it did not constitute torture.

*New York Times* Washington Bureau Editor Douglas Jehl on why his paper refuses to describe Bush's waterboarding program as "torture":

I have resisted using torture without qualification or to describe all the techniques. Exactly what constitutes torture continues to be a matter of debate and hasn't been resolved by a court. This president and this attorney general say waterboarding is torture, but the previous president and attorney general said it is not.

On what basis should a newspaper render its own verdict, short of charges being filed or a legal judgment rendered?

And here's what the NYT's spokesperson said in response to a study showing that they had changed their language on waterboarding once the US embraced using it.

"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."

The Times spokesman added that outside of the news pages, editorials and columnists "regard waterboarding as torture and believe that it fits all of the moral and legal definitions of torture." He continued: "So that's what we call it, which is appropriate for the opinion pages."

It is true that the Times "opinion" pages call waterboarding torture. In fact, when I tweeted about this, NYT's Ed Page Editor Andrew Rosenthal tweeted back,

Have called it torture from start.

And NYT Editorial Board Member David Firestone tweeted,

Editorial page has loudly called it torture since 2005. Entirely separate news side follows own course. Standard U.S. practice.

But here's the problem. **The institutional position of the NYT maintains that whether waterboarding constitutes torture or not is a matter of opinion, not fact.** And using the NYT's own institutional logic (logic I strenuously disagree with), would mean the GOP candidates are entitled to their opinion that waterboarding is not torture, regardless of how long it has been "classified as torture."

And particularly given that some of the best reporting on the country on waterboarding—that which appeared in the NYT—has refused to call it torture, NYT can't really fault the GOP candidates for their "opinion." After all, when the NYT presented "the facts" about this country's use of waterboarding, it informed their readers that waterboarding is no more than harsh or brutal treatment, not torture. If these candidates read the NYT to get their "facts" about the world, they would have every reason to hold the "opinion" that waterboarding is not torture. Effectively, the NYT editorial page is either arguing that readers should not treat the paper's factual reporting as factual anymore, or that they would be immoral for doing so.

The NYT says it honors the nation's moral standing to treat waterboarding as torture and act accordingly. It says it degrades the nation's reputation not to do so.

So why isn't the NYT's editorial page concerned about what the NYT's news page is doing to this nation's moral standing?