

THE  
DARK  
SIDE

*The Inside Story of How the War on Terror  
Turned into a War on American Ideals*

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While there was nothing new about torture, its authorization by Bush Administration lawyers represented a dramatic break with the past. As early as the Revolutionary War, General George Washington vowed that, unlike the British, who tortured enemy captives, this new country in the New World would distinguish itself by its humanity. In fighting to liberate the world from Communism, Fascism, and Nazism, and working to ameliorate global ignorance and poverty, America had done more than any nation on earth to abolish torture and other violations of human rights.

Yet, almost precisely on the sixtieth anniversary of the famous war crimes tribunal's judgment in Nuremburg, which established what seemed like an immutable principle, that legalisms and technicalities could not substitute for individual moral choice and conscience, America became the first nation ever to authorize violations of the Geneva Conventions. These international treaties, many of which were hammered out by American lawyers in the wake of the harrowing Nazi atrocities of World War II, set an absolute, minimum baseline for the humane treatment of all categories of prisoners taken in almost all manner of international conflicts. Rather than lining prisoners up in front of ditches and executing them, or exterminating them in gas chambers, or subjecting them to grueling physical hardships, all enemy prisoners—even spies and saboteurs—were from then on to be accorded some basic value simply because they were human. America had long played a special role as the world's most ardent champion of these fundamental rights; it was not just a signatory but also the custodian of the Geneva Conventions, the original signed copies of which resided in a vault at the State Department.

Any fair telling of how America came to sacrifice so many cherished values in its fight against terrorism has to acknowledge that the enemy that the Bush Administration faced on September 11, and which the country faces still, is both real and terrifying. Often, those in power have felt they simply had no good choices. But this country has in the past faced other mortal enemies, equally if not more threatening, without endangering its moral authority by resorting to state-sanctioned torture. Other democratic nations, meanwhile, have grappled with similar if not greater threats from terrorism without undercutting their values and laws.