Why is the New York Times covering up the torture of Jose Padilla?

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The editors of the *New York Times* have decided to bury the US government's horrendous treatment of Jose Padilla, the American citizen declared an "enemy combatant" by George W. Bush in June 2002 and held for three years and eight months in military detention.

Lawyers for Padilla filed a motion October 4 asking a US District Court judge in Miami to throw out charges against their client on the grounds of "outrageous government conduct." The 20-page brief spells out the various means by which Padilla was mentally and physically tortured by American authorities. The lawyers quite rightly call the prospect of his prosecution "an abomination," describe his treatment as "a blot on this nation's character, shameful in its disrespect for the rule of law" and argue that it "should never be repeated."

The news of the motion to dismiss all charges, as well as the allegations of torture, did not receive serious coverage in the American media, much less enter into the election campaign as an issue. Relatively brief articles, based on wire service reports, appeared in the media the week the motion was filed, including in the *Washington Post*. The *South Florida Sun-Sentinel* printed a somewhat longer piece. The *Bloomberg* news service ran a story on October 19. The *New York Times* published nothing in October.

A new round of Associated Press, United Press International and Reuters stories on the torture allegations appeared at the end of October. On November 2, four weeks after the original report, the *New York Times* published an Associated Press account, which also appeared in dozens of other newspapers. The *Times* discreetly placed the item on page 19. The 334-word piece reports some of the lawyers' charges contained in "court papers filed last month."

Let us remind our readers of the essential facts of the case. An American citizen, Jose Padilla, was arrested at Chicago's O'Hare airport May 8, 2002 as he stepped off a plane from Zurich, Switzerland. He was declared a material witness in connection with the September 11, 2001 terrorist attacks and transported to New York City, where he was appointed legal counsel.

A month later, based on the sensational allegation that Padilla was an "Al Qaeda agent" who had planned to detonate a "dirty bomb" on US territory, Bush declared him an "enemy combatant" and he was transferred to the naval brig in Charleston, South Carolina. As an "enemy combatant," Padillla was denied legal counsel and virtually all contact with the outside world. The Bush administration maintained that he could be held indefinitely without any charges ever being lodged against him and without any recourse to the courts. Several federal courts rejected in whole or part this assertion of police state powers by the Bush White House.

Padilla remained in the brig until January 2006. He was then flown to Miami to face vague charges (filed in November 2005)—connected to an existing case and entirely unrelated to the supposed "dirty bomb," Padilla's previously alleged Al Qaeda ties, or any activities in the US—of belonging to a "North American support cell" that "sent money, physical assets, and mujahideen recruits to overseas conflicts for the purpose of fighting violent jihad."

Padilla's indictment in November 2005, later termed "light on facts' by US District Court Judge Marcia Cooke, was an obvious effort to thwart possible action by the US Supreme Court, which was to consider the issue of his detention a week later.

The details of the US government's vendetta against Padilla, a 36-year-old convert to Islam, are quite horrifying. For nearly two years Padilla was held in complete isolation, and his only contact with another person occurred when a guard delivered or retrieved trays of food and when he was interrogated. His nine-foot-by-seven-foot cell had no view of the outside world.

He was continuously and "viciously deprived of sleep," according to the brief submitted on his behalf. For a substantial portion of his captivity, he was deprived of a mattress and forced to sleep on a cold, steel bunk. His captors created loud noises throughout the night to deprive him of regular sleep.

Various efforts were made to manipulate Padilla and "break his will," including depriving him of reading material and providing him with small comforts, like a pillow or a sheet, and then arbitrarily removing them. His disorientation at not seeing sunlight for months on end was made worse by the practice of turning on very bright lights in his cell or imposing utter darkness for durations of 24 hours or more.

His lawyers' brief stated, "Mr. Padilla's dehumanization at the hands of his captors also took more sinister forms. Mr. Padilla was often put in stress positions for hours at a time. He would be shackled and manacled, with a belly chain, for hours in his cell. Noxious fumes would be introduced to his room causing his eyes and nose to run. The temperature of his cell would be manipulated, making his cell extremely cold for long stretches of time. Mr. Padilla was denied even the smallest and most personal shreds of human dignity by being deprived of showering for weeks at a time, yet having to endure forced grooming at the whim of his captors."

His interrogators practiced mental torture, deceiving him about his location, threatening him with removal to Guantánamo Bay where his treatment would be even worse, with being cut with a knife and with imminent execution. "He was forced to endure exceedingly long interrogation sessions, without adequate sleep, wherein he would be confronted with false information, scenarios, and documents to further disorient him. Often he had to endure multiple interrogators who would scream, shake, and otherwise assault Mr. Padilla. Additionally, Mr. Padilla was given drugs against his will, believed to be some form of lysergic acid diethylamide (LSD) or phencyclidine (PCP), to act as a sort of truth serum during his interrogations."

The lawyers, in their brief, sum up by writing, "For most of one thousand three hundred and seven days, Mr. Padilla was tortured by the United States government without cause or justification. Mr. Padilla's treatment at the hands of the United States government is shocking to

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even the most hardened conscience, and such outrageous conduct on the part of the government divests it of jurisdiction, under the Due Process clause of the Fifth Amendment, to prosecute Mr. Padilla in the instant matter."

Is this not a major news story—that the US government is accused (with convincing details) of the systematic torture of one of its own citizens? What is the significance of the fact that the *New York Times*, the mouthpiece of American liberalism, could not bring itself to discuss these allegations for a month, and when circumstances obviously obliged them to write *something* about the matter, published a small wire service piece on a back page?

Interestingly, the *Times* is prepared to mention the torture of "terror suspects" when the torture is committed by other governments. Ten days after Padilla's lawyers filed their brief, the newspaper editorialized toothlessly against the passage of the Military Commissions Act ("Guilty Until Confirmed Guilty," October 15, 2006). In the comment, the editors refer to the cases of individuals tortured by the Syrian, Afghan and Moroccan governments at the behest of the US. They mention one of Padilla's co-defendants, who was tortured "until he confessed to plotting with Jose Padilla to set off a 'dirty bomb.' Mr. Padilla was never charged with the crime." The *Times* deplored reported instances of torture by foreigners, but chose to remain silent on Padilla's treatment at the hands of American authorities.

The attitude of the *Times* toward the Padilla case is not an isolated episode. It parallels the refusal of the newspaper to provide serious coverage of the Johns Hopkins University study, which appeared October 11 in the prestigious British medical journal the *Lancet*, estimating the Iraqi death toll resulting from the US invasion and occupation of the country at 655,000, or 2.5 percent of the population. This figure is far higher than the reported death toll in Sudan's Darfur region, which the US government and the *Times* routinely characterize as genocide. In the US, such a rate would mean the deaths of 7.5 million people.

The *Times* published one article—on its inside pages—on the study, which was conducted according to the most rigorous statistical methods. It published nothing further on its news pages, and did not acknowledge the study on its editorial pages. The editors took their cue from George W. Bush, who simply dismissed the report, without any evidence, as not credible.

World Socialist Web Site reporters challenged *Times*' executive editor Bill Keller about the newspaper's virtual silence on the Johns Hopkins study when he gave a lecture at the University of Michigan on October 16. Keller hemmed and hawed, disputed the word "suppressed" (the *Times* had published one article!) and attempted to sweep the matter under the rug.

In the body of his talk in Ann Arbor, however, Keller put forward an argument that helps explain the *Times*' stance in regard to both the Iraqi death toll and the torture of Padilla. His lecture amounted to an appeal to the Bush administration to halt its political attacks on the *Times* for publishing certain stories based on leaked classified information, and recognize the vital role the "establishment press" played in the regulation of information funneled to the public and, specifically, the suppression of stories that might discredit the government. (See: "*New York Times* editor touts role of establishment press in 'war on terror,'" 21 October, 2006)

Putting theory into practice, the *Times* is demonstrating its "responsibility" in the Padilla incident, helping to conceal the reality of the "global war on terror."

One might note in this context an October 22 column by *Times*' public editor Byron Calame. In this piece Calame performs a "mea culpa" and announces that he now feels that the *Times* erred in publishing a June 23 exposé of the Bush administration's secret banking data surveillance program. Under this program, the US government has secretly tapped into a global network of confidential financial transactions and compiled a vast database of bank records involving tens of thousands of individuals in the US and around the world. The *Times*' revelation of the operation prompted an avalanche of McCarthyite-type attacks from Bush, Vice President Dick Cheney, then-Treasury Secretary John Snow and other top administration officials, and threats of treason charges from Republicans in Congress.

Calame bases his reasoning on two factors, "the apparent legality of the program in the United States, and the absence of any evidence that anyone's private data had actually been misused." This is absurd. Aside from the disputed question of the program's technical legality, its very existence is a massive violation of constitutional guarantees on privacy rights and protection against arbitrary search and seizure. Moreover, since the program is secret and is not overseen by Congress, Calame's assertion that data has not been misused is nothing but a base capitulation to the Bush administration and a servile acceptance of its unverified claims.

The public editor reaffirms his "enduring faith in a free press." How touching! The phrase, however, has no meaning if the *Times* and other media outlets operate in the manner that Calame now advocates.

The revelation about government intrusion into bank records came on the heels of revelations of vast spying activities on Americans conducted by the National Security Agency (NSA), including eavesdropping on telephone calls, emails and faxes without the benefit of court-issued warrants and the assembling of a database, again without court warrants, covering hundreds of millions of domestic telephone calls. Why on earth should the benefit of the doubt be extended to those who are laying the foundations for a police state?

From the standpoint of democratic rights, there is no justification for such prostration. Rather, the answer to this question is to be found in the politics of the *Times* and the social layers for which it speaks.

The *New York Times* is the voice of the American liberal establishment and large sections of the Democratic Party. These wealthy social elements as a whole support the wars in Iraq and Afghanistan, the massive violence in those countries, and the assault on democratic rights and the social conditions of the working class at home. If elected, the Democrats, with the support of the *Times*, will move neither to end the US slaughter in Iraq and Afghanistan nor to roll back the anti-democratic measures instituted by the Bush crowd. There will be no repeal of the Patriot Act or the Military Commissions Act, no hearings into 9/11 or the invasion of Iraq, and no impeachment of Bush.

In its handling of the Johns Hopkins study, in the comments of Keller and Calame, and now the treatment of the Padilla case, the *Times* is sending an explicit and specific signal to the Bush administration and its attack dogs: it has gotten the message and it will behave.

In the run-up to the 2004 election, we now know, Keller and the *Times* decided not to run an exposé of the NSA spying program—i.e., to conceal from the American public the fact that one of the candidates in the election had violated federal law, the US Constitution and their privacy rights.

Two years later, in regard to the massive death toll resulting from the US colonial occupation of Iraq and the systematic and prolonged torture of detainees, the *Times* is once again deliberately seeking to spare the Bush administration political embarrassment. This tells us a great deal about a possible Democratic-dominated Congress or Democratic White House.

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