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Torture: The Right Question

BY LEONARD PITTS JR.
Tribune Media Services

Does torture work? It is a Bush-era debate that has found Obama-era relevance because of a new movie, "Zero Dark Thirty," in which torture seems to work quite well.

The film, an Oscar nominee for Best Picture, is being sold as a fact-based accounting of the 10-year manhunt that led to the killing of Osama bin Laden. In it, torture — the water-boarding, sleep deprivation, stress positions, hitting and humiliation the U.S. government once antiseptically dubbed "enhanced interrogation" — is depicted as integral to the information gathering that allowed the CIA to find him.

That depiction has alarmed some observers. Acting CIA Director Michael Morell recently issued a statement to agency employees in which he says the film gives the impression these brutal methods "were the key to finding bin Laden. That impression is false."

Actors Martin Sheen and Ed Asner are so upset at that impression that they have reportedly asked members of the motion picture academy not to support the film in Academy Awards voting.

But torture still has its defenders. Bush-era Attorney General Michael Mukasey penned an op-ed in the *Wall Street Journal* in 2011 defending the harsh techniques because, he said, they produced results. In a recent column, George F. Will went so far as to quote Jack Nicholson's famous "You can't handle the truth!" speech from "A Few Good Men" about the moral choices the nation's defenders are required to make. Will, who dubbed torture "hard but morally defensible," failed to mention that Nicholson's character ends up arrested and disgraced.

Does torture work? Beg pardon, but we have been asking the wrong question. What matters is not whether torture works. What matters is whether torture is right.

Consider: Mothers Against Drunk Driving reports that drunk drivers kill almost 10,000 people a year. That's three Sept. 11's and then some. But if you wanted to stop that carnage, it would be simple. Just make drunk driv-

ing a capital crime with instant punishment. The evidence — blood alcohol levels — allows for scientific certainty of guilt, so there'd be no need of a long trial. We could execute the miscreants within a day.

Drunk driving would disappear. The new policy would solve the problem. It would work.

And if that were truly the ultimate rubric by which we decided a question, there could be no argument against it. But we won't make drunk driving a capital crime for one simple reason.

It would be wrong. In fact, it would be repellent to our values, inconsonant with the kind of people we consider ourselves to be.

That is the same reason torture unsettles the American conscience and why addressing that unease by debating its efficacy misses the point. We are a nation where human rights are enshrined in law, a nation that proudly, routinely lectures other nations on the need to close their gulags, free their dissidents and treat human beings as human beings.

We cannot be that nation and yet also this other nation that tortures and then defends torture because it works. Indeed, if that were the only important metric, what other things

might we do, condone or defend?

But it isn't the only important metric. In America, even drunk drivers, even child rapists and murderers, have rights and, though those rights are sometimes inconvenient, even incompatible with justice, we honor them anyway because we realize the nation's moral authority derives precisely from the willingness of the state to curb its own power — even when it has reason to do otherwise, even when doing otherwise might "work."

This is an obeisance power makes to human freedom. On the day it no longer does, it is not just terrorists who will be in trouble.

Power that is not constrained by humanity is not constrained by anything at all.

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Leonard
PITTS

Pierre Report

A 'Straightforward' Beginning

BY STATE SEN. DAN LEDERMAN
R-District 16 (Dakota Dunes)

The first week in the legislature was devoted to the traditional calendar of swearing in legislators and hearing from the governor and Supreme Court chief justice as they deliver the State of the State Address and State of the Judiciary Address.

Gov. Daugaard laid out a straightforward State of the State Address. His main theme was good stewardship. He spoke of being good stewards of the land by having clean air and water. He also spoke of being good stewards of the taxpayer dollar. The speech detailed the work put into crafting public safety reforms and highlighted some of the legislation being brought by state departments. We also heard about his plans to invest in the Blood Run State Park. Gov. Daugaard stressed the uncertainty concerning the federal deficit and how that has bearing on our state budget as we look ahead.

The State of the State Address focused on the recent criminal justice initiative. Over the last six months the Criminal Justice Task Force met to discuss public safety reforms. The committee was chaired by State Senator Russ Olson. The committee worked with Gov. Daugaard and Chief Justice Gilbertson to form the Public Safety Improvement Act. This initiative was needed to address our growing prison population and the costs associated with high incarceration rates.

As a co-sponsor of the Public Safety Reform Act, I'm proud to support the bill and look forward to providing more details as it makes its way through the committee process. In its current form it seeks to expand supervision and reduce the length of prison sentences. If passed, non-violent offenders would be offered alternatives to lengthy jail stays by committing to strict conditions of release.

Our first priority as a Legislature is to grow the economy. Agriculture has always been our economic backbone and made it possible for South Dakota to weather the recession. We need to expand off-farm employment



Lederman

opportunities to give our state a more balanced business portfolio. One of the areas I have been working on is growing our insurance sector.

Over the last two years I have met with experts in the captive insurance market, Lt. Gov. Michels and the Division of Insurance to help draft legislation that makes South Dakota more competitive in this area. The product of this work is HB 1061, an act to revise the regulation of captive insurance companies which was introduced by the State Affairs Committee this week. If passed, our state will have an advantage in adding large capital deposits to our local banks while attracting the relocation or hiring of professionals in the insurance and accounting fields. I look forward to sharing the progress of this bill during the next few weeks.

In the wake of the tragedy in Newtown, several bills are being written to improve safety for schools, protect Second Amendment rights and other gun legislation. No bills have been formally introduced yet. The language I have seen would allow school boards to authorize certain individuals the right to carry inside a school. The proposed language is permissive by merely giving school boards the option to approve exceptions to gun-free zones based on certain conditions if adopted at the local level. We will know more by the end of next week as bills are filed.

This week I had the honor of joining Elk Point's mayor, Isabel Trobaugh, for dinner at the annual South Dakota Rural Electric Association event. Along with Mayor Trobaugh were Don Gray and Don Schurdevin.

Our district is one of the farthest from the capitol, so it is a treat to see folks who travel to be part of the process. Please contact me if you are in Pierre for a tour of the Capitol or just to sit down and visit:

- State Email Address: sen.lederman@state.sd.us
- Personal Email Address: dan@danlederman.org
- Senate Chamber Phone: (605) 773-3821

bathrooms large enough for all our personal needs, but with shared common areas like kitchen, living area, laundry, etc. It would require some special staff, but most would just need to be people trained to meet our daily activity needs like helping with baths, dressing, making meals and giving medications. Ideally, the home could be located close to a major hospital in case of any of the residents needing immediate hospital care.

About 10 years ago, I began my search for a place to live that cares for people who require my level of assistance. Unfortunately, I have not found a place.

Before I pass on, my dream is to see such a home built in Sioux Falls that can support people who live with physical disabilities. I want it to be a model for the entire country. The home would bring peace of mind to families and friends with paralyzed and/or ventilator-dependent loved ones, along with many others who have special needs, to know that they are getting excellent care.

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OPINION | OTHER THOUGHTS

Do We Need To See Bin Laden Photos?

TEXARKANA (Ark.) GAZETTE (Jan. 11): Does the public have a right to view graphic photographs of Osama bin Laden after he was shot in a U.S. raid on his compound two years ago?

How about photos of his burial at sea? That was the question before a federal appeals court Jan. 10, as the judges considered an appeal from Judicial Watch, an activist group seeking release of the photos.

Judicial Watch describes itself as "a conservative, non-partisan American educational foundation that promotes transparency, accountability and integrity in government, politics and the law."

The government says keeping the images secret is a matter of national security — the photos could incite violence against Americans. Judicial Watch says that's nonsense and can't imagine how anyone could be upset by the photos of a "dignified burial at sea."

Perhaps they overlooked the impact of images of a bullet-ridden bin Laden?

President Barack Obama laid out the federal government's case on the CBS television program "60 Minutes."

"It's important for us to make sure that very graphic photos of somebody who was shot in the head are not floating around as an incitement to additional violence or as a propaganda tool," the president said.

"That's not who we are. We don't trot out this stuff as trophies," he said. Judicial Watch already lost on the federal district court level back in April, when Judge James Boasberg acknowledged the very real threat releasing these photos could bring. ...

The appeals court should affirm Boasberg's ruling. And the U.S. Supreme Court, where this is no doubt heading, should do the same.

Jack Lew: An Opportunity

THE JERUSALEM POST (Jan. 10): Last January, when President Barack Obama appointed Jacob "Jack" Lew as White House chief of staff, a position considered to be closest to the U.S. president's ear, David Harris, president and CEO of the National Democratic Jewish Council, declared it to be "a point of communal pride."

Rabbi Steven Burg and Nathan Diament, top officials at the Orthodox Union, wished Lew "a hearty mazal tov on his historic appointment."

Now with Lew slated to take over the post of Treasury secretary, another tribal feel-good session is in order. Lew's expected appointment is also a positive development after the controversy in some Jewish circles surrounding the nomination of Chuck Hagel as defense secretary.

But in the final analysis, Obama's decision to tap Lew says more about the ideological affinity between the two men and the president's appreciation of Lew's skills and values than it does about US-Jewish or US-Israel relations.

Unlike most Orthodox Jewish peers, who tend to hold relatively conservative political positions, Lew — whose father arrived in the US from Poland in 1916 — has a long history with the Democrats, particularly the party's most liberal wing. Already in 1968, when just 12 years old, Lew canvassed in New York for senator Eugene McCarthy, a poet who ran on an anti-Vietnam war platform in the campaign for the Democratic presidential nomination. ...

At 18, Lew became an aide to "Battling Bella" Abzug, a prominent feminist and one of the first members of Congress to support gay rights. And at 23, after graduating from Harvard, he went to work for Democratic Speaker of the House of Representatives Thomas "Tip" O'Neill, who championed universal health care and job programs. Lew was O'Neill's chief aide on domestic policy. ...

He has served as one of Obama's top lieutenants in negotiations over the "fiscal cliff" crisis. ...

Appointment to the Treasury secretary is above else a testament to Obama's appreciation of Lew's skills and values. But it is also an opportunity for Jews in Israel and abroad to kvel that a member of the tribe has climbed to such an influential position in the US.

TODAY IN HISTORY

By The Associated Press
 Today is Thursday, Jan. 17, the 17th day of 2013. There are 348 days left in the year.

Today's Highlight in History: On Jan. 17, 1963, Attorney General Robert F. Kennedy, appearing as amicus curiae (friend of the court) before the U.S. Supreme Court, told the justices in *Gray v. Sanders* that Georgia's county unit voting system in Democratic primaries discriminated against urban voters. (The court later struck down the county unit system, citing the concept of "one person, one vote.")

On this date: In 1562, French Protestants were recognized under the Edict of St. Germain.

In 1863, British politician and statesman David Lloyd George was born in Manchester, England.

In 1893, the 19th president of the United States, Rutherford B. Hayes, died in Fremont, Ohio, at age 70. Hawaii's monarchy was overthrown as a group of businessmen and sugar planters forced Queen Lili'uokalani to abdicate.

In 1917, the United States paid Denmark \$25 million for the Virgin Islands.

In 1929, the cartoon character Popeye the Sailor made his debut in the "Thimble Theatre" comic strip.

In 1945, Soviet and Polish forces liberated Warsaw during World War II; Swedish diplomat Raoul Wallenberg, credited with saving tens of thousands of Jews, disappeared in Hungary while in Soviet custody.

In 1950, the Great Brink's Robbery took place as seven masked men held up a Brink's garage in Boston, stealing \$1.2 million in cash and \$1.5 million in checks and money orders. (Although the entire gang was caught, only part of the loot was recovered.)

In 1961, President Dwight D. Eisenhower delivered his farewell address in which he warned against "the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex."

In 1977, convicted murderer Gary Gilmore, 36, was shot by a firing squad at Utah State Prison in the first U.S. execution in a decade.

In 1989, five children were shot to death at the Cleveland Elementary School in Stockton, Calif., by a drifter, Patrick Purdy, who then killed himself.

In 1994, a 6.7 magnitude earthquake struck Southern California, killing at least 72 people.

In 1995, more than 6,000 people were killed when an earthquake with a magnitude of 7.2 devastated the city of Kobe, Japan.

Ten years ago: On the 12th anniversary of the Gulf War, a defiant Saddam Hussein called on his people to rise up and defend the nation against a new U.S.-led attack. Tom Ridge sailed through Senate confirmation hearings on his way to becoming the nation's first Homeland Security Department chief. Actor Richard Crenna died in Los Angeles at age 76. Gertrude Janeway, the last known widow of a Union veteran from the Civil War, died in Blaine, Tenn., at age 93 (she had married John Janeway in 1927 when he was 81 and she was barely 18).

Five years ago: Bobby Fischer, the chess grandmaster who became a Cold War icon when he dethroned the Soviet Union's Boris Spassky as world champion in 1972, died in Reykjavik, Iceland, at age 64. Character actor Allan Melvin died in Los Angeles at age 84.

One year ago: Italian officials released a recording of a furious Coast Guard officer, Capt. Gregorio De Falco, demanding that Capt. Francesco Schettino, commander of the grounded Costa Concordia, re-board the ship to direct its evacuation after the vessel rammed into a reef on Jan. 13. (Schettino resists the order, making excuses that it's dark and that the ship is listing.) Johnny Otis, the "godfather of rhythm and blues" who wrote and recorded the R&B classic "Willie and the Hand Jive," died in Los Angeles at age 90.

Today's Birthdays: Actress Betty White is 91. Former FCC chairman Newton N. Minow is 87. Actor James Earl Jones is 82. Talk show host Maury Povich is 74. International Boxing Hall of Famer Muhammad Ali is 71. Pop singer Chris Montez is 71. Rhythm-and-blues singer William Hart (The Delfonics) is 68. Rock musician Mick Taylor is 65. Rhythm-and-blues singer Sheila Hutchinson (The Emotions) is 60. Singer Steve Earle is 58. Singer Paul Young is 57. Actor-comedian Steve Harvey is 56. Singer Susanna Hoffs (The Bangles) is 54. Actor-comedian Jim Carrey is 51. Actor Denis O'Hare is 51. First Lady Michelle Obama is 49. Actor Joshua Malina is 47. Singer Shabba Ranks is 47. Rock musician Jon Wysocki is 45. Actor Naveen Andrews is 44. Rapper Kid Rock is 42. Actor Freddy Rodriguez is 38. Actress Zoëy Deschanel is 33. Singer Ray J is 32. Country singer Amanda Wilkinson is 31. DJ/singer Calvin Harris is 29.

Thought for Today: "A politician is a person with whose politics you don't agree; if you agree with him he's a statesman." — David Lloyd George (1863-1945).

FROM THE BIBLE

True worshippers will worship the Father in spirit and truth, for the Father is seeking such people to worship Him. God is spirit, and those who worship Him must worship in spirit and truth. John 4:23-24. Portals of Prayer, Concordia Publishing House, St. Louis

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Published Daily Monday-Saturday

Periodicals postage paid at Yankton, South Dakota, under the act of March 3, 1979.

Weekly Dakotian established June 6, 1861. Yankton Daily Press and Dakotian established April 26, 1875.

Postmaster: Send address changes to Yankton Daily Press & Dakotian, 319 Walnut, Yankton, SD 57078.

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YOUR LETTERS

A Dream

Kathy Hoebelheinrich, Yankton

I've lived on a farm near Menominee, Neb., for my entire life. That may not sound all that unique however for the past 37 years due to an injury to my spinal cord when I contracted encephalitis as a 10-year-old child. I have been paralyzed from the neck down and require a ventilator to enable me to breathe.

As I get older, I have looked for suitable places where I might be able to go to maintain the level of care I need outside of a hospital setting. I have come to realize that few truly exist for people like me. There are many types of assisted living places, along with long-term care facilities, but none that can fully accommodate individuals who require full 24-hour care and the ventilator care as well.

My dream would be for a home to be built that could support people like me ... with individual rooms and