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Padilla Update: Bush has been Torturing American Citizens since 2002

By Mike Whitney

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“For most of the 1,307, Mr. Padilla was tortured by the United States government without cause or justification.” Michael Caruso, acting Federal Public Defender; “Motion to Dismiss for Outrageous Government Conduct”, US District Court, Miami Division

“This is conduct that shocks the conscience.” Supreme Court 342 US at 166 ibid

Jose Padilla is an innocent man. His story tells us everything we need to know about the Stalinist regime currently operating in Washington and their utter disdain for human rights, civil liberties and American citizenship.

Padilla was taken into custody on May 8, 2002 at Chicago's O' Hare Airport by Federal agents and placed in solitary confinement. He was stripped of his constitutionally-guaranteed rights and forbidden to see an attorney. He was detained as a material witness although Attorney General John Ashcroft accused him publicly of being a “dirty bomber”; alleging that he was planning to detonate a nuclear device within the United States. He was not charged with a crime.

For the next 4 years he was isolated, tortured and used as a lab-rat in drug experiments with LSD and other mind-altering hallucinogens. To date, the government has never produced a scintilla of evidence proving that Padilla is guilty of anything. Still, no attorney, no court, and no law have been able to set him free. The entire system has buckled under the load of imperial power leaving every American exposed to the capricious actions of the president. What happened to Padilla can happen to any of us and no one is truly safe until the case is fairly resolved.

The Padilla case proves that Bush was planning to overturn habeas corpus and institute a de-facto dictatorship from the very beginning. Padilla has never been a threat to national security; in fact, the government has changed its story nearly every time it makes a public statement. There was no dirty bomb, no



Earth, a planet hungry for peace

[Apartheid Wall](#)



The Israeli Land-Grab Apartheid Wall built inside the Palestinian territories, here separating Abu Dis from occupied East Jerusalem. (IPC, 7/4/04).



The Israeli apartheid (security) wall around Palestinian population centers in the West Bank, like a Python. (Alquds, 10/25/03).

fissile material, no weapons, no explosives, no conspiracy, and no provable link to terrorists. The government has no case and they know it. Padilla is merely the unwitting victim of a plan to discard the Bill of Rights and establish the supreme power of the presidency. The passing of the "Military Commissions Act of 2006" last month has made the Padilla case unnecessary. The congress approved Bush's request to expand his powers so that he can imprison anyone he chooses and do with them whatever he likes. The legislation creates a modern-day monarch who can ignore the due process provisions in the law and apply the Geneva Conventions however he sees fit. If Bush wants to round up citizens or non-citizens and torture them as "enemy combatants"; he is now free to do so. The congress rubber-stamped everything that Bush was trying to achieve in the Padilla case.

That doesn't mean that Padilla will be set free; far from it. But at least he will get his day in court. Before he was charged with a crime (a period which lasted 3 and a half years) one government spokesman candidly admitted:

"Providing him with counsel would break –probably irreparably, the sense of dependency and trust that the interrogators are hoping to create. If he had access to counsel or if he learned that a court was hearing his case could provide him with the expectation that he would some day be released." (Motion: Michael Caruso)

Isn't this a tacit admission that Padilla was being tortured while he was in military custody? It also shows that Bush's agents were extorting information from Padilla in violation of his civil liberties.

According to his attorney, Padilla has been the victim of cruel and relentless abuse from the very beginning of his confinement. He was kept in complete isolation in a windowless 9' by 7' cell where he was repeatedly exposed to various techniques of sense deprivation, sleep deprivation, and radical temperature changes. All reading materials, TV, radio and newspapers were banned. His exercise regimen was limited to a short stroll during the night to prevent him from seeing the sun. He was constantly deceived as to his real location and "hooded and forced to stand in stress positions for long periods of time". These types of abuse are normally associated with tyrannical regimes, but they have become standard procedure for the Bush administration.

The abusive treatment of Padilla is chronicled in Defense attorney Caruso's brief:

"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.”

“Often he had to endure multiple interrogators who would scream, shake, and assault Padilla. Additionally, he was given drugs against his will, believed to be some form of lysergic acid diethylamide (LSD) or phencyclidine (PCP) to act as a form of truth serum during his interrogations.”

“The deprivations, physical abuse, and other forms of inhuman treatment visited upon Mr. Padilla caused serious medical problems that were not adequately addressed. Apart from the psychological damage done to Mr. Padilla, there were numerous health problems brought on by the conditions of his captivity. Mr. Padilla frequently experienced cardiothoracic difficulties while sleeping, or attempting to fall asleep, including heavy pressure on his chest and an inability to breathe or move his body.”

“However, it is important to recognize that all of the deprivations and assaults recounted above were employed in concert in a calculated manner to cause him maximum anguish. It is also extremely important to note that the torturous acts visited upon Mr. Padilla were done over the course of almost the entire three years and seven months of his captivity in the Naval Brig designed to create dependency and destroy his will to live.”

Padilla has been of no consequence to Bush in his war on terror. He’s simply provided the means to overturn the traditional protections of habeas corpus and the 8th amendment’s provisions against “cruel and unusual punishment”. The case sets an important precedent that the president is no longer required to comply with the law. Bush can arbitrarily repeal anyone’s “inalienable rights” by simply declaring him an enemy combatant. The presumption of innocence is no longer assured.

The Padilla case reflects the inherent dangers of an all-powerful and unaccountable executive. Those who would sacrifice their freedom for the false promise of security should take note of Padilla and consider the risks of removing the safeguards which have traditionally protected us from the brutality of the state.

Robert Bolt makes this very point in his play “A Man for All Seasons” when the protagonist Sir Thomas More warns:

“And when the last law was down, and the devil turned round on you, where would you hide, the laws all being flat? This country is planted thick with laws, from coast to coast. Man’s laws not God’s! And if you cut them down do you think you could stand upright in the winds that would blow then? Yes. I’d give the devil the benefit

of the law, for my own safety's sake!"

It would be far better to let a terrorist go free than to destroy the law. The law is our only refuge from the terror of the state.

Bush must be stopped.

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