

The Courage to Say “No”

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In the gospel of Mark, the night before Roman soldiers crucified him Jesus says to his disciples, “You will all lose faith.”

Peter replied, “Even if everyone else loses faith, I won’t.”

Jesus said to Peter, “Tonight before the rooster crows twice you will disown me three times.”

Peter protested, “If they condemn me to die with you, I will never disown you!”

But after the soldiers took Jesus as a prisoner, one of the high priest’s slave women saw Peter and said “You too were with Jesus!”

Peter said to the woman, “I haven’t the slightest idea what you’re talking about.”

The slave woman said to those standing nearby, “This fellow is one of them!” Again Peter denied it.

A little later, those standing nearby said to Peter, “You really are one of them, since you are a Galilean!”

At this Peter began to curse and swear. He said, “I don’t know the fellow you’re talking about!” The rooster crowed a second time. Peter remembered what Jesus had told him and he broke down and started to cry.

I can imagine, if I were faced with the possibility of death by crucifixion I might also disown Jesus, just as Peter did. I would deny that I knew Jesus to avoid having nails driven through my hands and feet.

When I read Elie Wiesel’s description of medical doctors who participated in the torture of the Holocaust, I cannot imagine myself participating or sitting by silently when such cruelty was going on. I would try to run away to save myself.

Luckily in our own nation we have nothing like what happened in Jerusalem two thousand years ago or what happened in Germany more than sixty years ago. Still our government asks us to take oaths promising to up hold the constitution and many of us promise to our parents, our partners, our

children, or our religious communities. Just as Peter had difficulty sticking to the promise he made to Jesus, sticking by our promises is not always easy for us. Fear, or anger, or a desire for power, or just a desire to conform, can make it difficult for us to follow the moral rules to which we are committed. If we have a family, and our job is at stake we must think about the members of our families who depend on our income. Saying no is not easy. Often going along is easier.

This past week I read an article in *The New Yorker* magazine written by Jane Mayer. The article is about a lawyer named Alberto Mora.

Mr. Mora was born in Boston in 1952. His mother is Hungarian. She left Hungary for America before the Communists took control. She told her son that the Nazis had interned one of his great-uncles in a concentration camp, and tortured and hanged another. The boy's first memory, was of playing on the floor in his mother's bedroom. He watched her crying as she listened to a report on the radio declaring that the Russians had crushed the 1956 uprising in Hungary.

Alberto Mora's father is from Cuba. After marrying and completing medical school at Harvard the family moved to Cuba. In 1960 at the age of 8, Alberto Mora and his mother and father fled communism again to come to the United States.

The family settled in Jackson, Mississippi, where the father taught at the state medical school and Alberto attended a Catholic school. Mississippi, of course is a conservative state. When Alberto was twelve, he backed Barry Goldwater in the 1964 election. Later he went to Swarthmore College. He said that he found east coast liberals nerdish.

After graduation, for a few years Alberto Mora worked for the State Department, then he went to law school. As a conservative, Hungarian-Cuban American Lawyer, he admired President Reagan. Someone in the first Bush Administration gave Mora a political appointment to work at the U.S. Information Agency. In the second Bush Administration, Republicans gave Alberto Mora the political appointment of general counsel of the Navy. He was sworn in July 25, 2001. September 11, 2001, Mora was inside the Pentagon. The jetliner crashing into the building "felt jarring, like a large safe had been dropped overhead." He went outside and watched the Pentagon burn. Alberto Mora supports the Administration's war on terror, including the invasion of Iraq.

In December of 2002, in his role as General Counsel of the Navy, Alberto Mora first learned about the problem of prisoner abuse at Guantanamo. Alberto Mora was deeply concerned. He heard about the handling of one Saudi detainee. This man:

. . . had been subjected to a hundred and sixty days of isolation in a pen perpetually flooded with artificial light. He was interrogated on forty-eight of fifty-four days, for eighteen to twenty hours at a stretch. He had been stripped naked; straddled by taunting female guards, in an exercise called "invasion of space by a female"; forced to wear women's underwear on his head, and to put on a bra; threatened by dogs; placed on a leash; and told that his mother was a whore. By December, [He] had been subjected to a phony kidnaping, deprived of heat, given large quantities of intravenous liquids without access to a toilet, and deprived of sleep for three days.

December 2, 2002, Secretary of Defense, Rumsfeld had given formal approval for "hooding," "exploitation of phobias," "stress positions,"

“deprivation of light and auditory stimuli,” and other coercive tactics forbidden by the *Army Field Manual*.

This appalled Mora. He had grown up hearing stories about torture in other places, and his family had taught him to respect the law. He believed that these interrogation activities were unlawful and unworthy of the military services. He said:

It was clearly abusive, and it was clearly contrary to everything we were ever taught about American values. If cruelty is no longer declared unlawful, but instead is applied as a matter of policy, it alters the fundamental relationship of man to government. It destroys the whole notion of individual rights. The Constitution recognizes that man has an inherent right, not bestowed by the state or laws, to personal dignity, including the right to be free of cruelty. It applies to all human beings, not just in America—even those designated as ‘unlawful enemy combatants.’ If you make this exception, the whole Constitution crumbles. It’s a transformative issue.

Mora first took his concerns to the Secretary of the Navy. Then, Mora went to William Haynes, the Pentagon’s general counsel. Haynes is a protege of Vice President Cheney’s chief of staff.

Mora asked Haynes to think about the techniques carefully. What did “deprivation of light and auditory stimuli” mean? Could they lock a prisoner in a completely dark cell? If so, could he be kept there for a month? Longer? What, precisely, did the authority to exploit phobias permit? Could they hold a detainee in a coffin? What about using dogs or rats? How far could an interrogator push this? Until a man went insane?

Haynes said little during the meeting with Mora, but Mora left the room certain that Haynes would realize he had been too hasty, and would get Rumsfeld to revoke the inflammatory December 2 memo.

But in January 2003, Mora was alarmed to learn that the abuse at Guantanamo had not stopped. One prisoner had been stripped and shaved and told to bark like a dog. He had been forced to listen to pop music at an earsplitting volume, deprived of sleep, and kept in a painfully cold room. Between confessing to and then recanting various terrorist plots, he had begged to be allowed to commit suicide.

On January 15, 2003, Mora took a step guaranteed to antagonize William Haynes, who frequently warned subordinates to put nothing controversial in writing or in e-mail messages. Mora delivered an unsigned draft memo to Haynes, and said that he planned to “sign it out” that afternoon—making it an official document—unless the Secretary of Defense suspended the harsh interrogation techniques. Mora’s draft memo described U.S. interrogations at Guantanamo as “at a minimum cruel and unusual treatment, and, at worst, torture.”

By the end of the day, Haynes called Mora to say that Rumsfeld was suspending his authorization of the disputed interrogation techniques. The Defense Secretary also was authorizing a special “working group” of a few dozen lawyers, from all branches of the armed services, including Mora, to develop new interrogation guidelines.

Mora and the other lawyers in the working group began to meet and debated the constitutionality and effectiveness of various interrogation techniques. However, a week later, Mora was shown a lengthy classified document that negated almost every argument he had made. Haynes had outflanked him.

He had solicited a separate, overarching opinion from the Office of Legal Counsel, at the Justice Department, on the legality of harsh military interrogations—effectively superseding the working group. The document said that at Guantanamo, the Secretary of Defense could authorize cruel, inhumane, and degrading treatment of detainees, with few restrictions.

In response Alberto Mora said: “If everything is permissible, and almost nothing is prohibited, it makes a mockery of the law.”

The debate went on for weeks, but by the Spring of 2003 Mora felt that William Haynes had taken his arguments seriously and backed away from the torture of prisoners. In June 2003, William Haynes wrote a letter, which he released to the press, saying that the Pentagon’s policy was never to engage in torture, or cruel, inhumane, or degrading treatment.

A year passed. In April of 2004, pictures appeared showing torture in Iraqi prisons. The pictures stunned Mora. He was further shocked when he learned, while watching Senate hearings on C-SPAN, that a year earlier Rumsfeld had signed a report authorizing cruel, inhumane, and degrading treatment of detainees. Alberto Mora had thought he had stopped that report. It turned out that William Haynes had not backed away from torture. He had only hidden Rumsfeld’s authorization from Alberto Mora.

In the next months the debate continued within the Pentagon. Mora attended a meeting in Rumsfeld’s private conference room at the Pentagon. One by one, the military officers argued for returning the United States to what they called the high ground, of the Geneva Conventions.

At the meeting Alberto Mora said that whether the Pentagon enshrined it as official policy or not, congress had already written the Geneva Conventions into United States law. Any grave breach of them, at home or abroad, is a war crime. To emphasize his position, he took out a copy of the text of the *War Crimes Act* and read from it. The point was that “it’s a statute. It exists—we’re not free to disregard it. We’re bound by it. It’s been adopted by the Congress.”

But two people at the meeting opposed the standard of the Geneva Conventions. One was the Under Secretary of Defense for Intelligence; the other was William Haynes. They argued that the articulated standard, the Geneva Accords on the treatment of prisoners would limit America’s “flexibility.” Their opposition was enough to stop the proposal.

Mora left government service last month and started a new job, as the general counsel for Wal-Mart’s international operations. In *The New Yorker* article, he reflected on his five years at the Pentagon. He said: “These were enormously hardworking, patriotic individuals. When you put together the pieces, it’s all so sad. To preserve flexibility, they were willing to throw away our values.”

Jesus’s disciple Peter denied that he knew Jesus to avoid crucifixion, then Peter broke down and started to cry, ashamed of his behavior. Today we live in fear of getting a bad evaluation, of not getting a promotion or raise, or even being pushed out of our job. We depend on our work not only for income, but also for a feeling of status and self-worth. Taking a stand is not easy.

At the conclusion of his essay on Nazi doctors, Elie Wiesel asked: “how can the recent, shameful torture to which Muslim prisoners were subjected by

American soldiers be justified? Shouldn't the prison conditions in Iraq have been condemned by legal professionals and military doctors alike?"

As the story of Alberto Mora shows, some people find the courage to speak up.

In the short run those who support the torture are still in charge at the White House and the Pentagon. Two weeks ago the United Nations Human Rights Commission called for the U.S. to shut down the detention center at Guantanamo, where, it said, some practices "must be assessed as amounting to torture." The U.N. report described "the confusion with regard to authorized and unauthorized interrogation techniques" as "particularly alarming." The White House has dismissed the U.N. report.

However, in the long run the story of Albert Mora and others like him give me hope. *The New Yorker* reporter asked Mora from where his courage came. He had a simple answer. He said:

My mother would have killed me if I hadn't spoken up. No Hungarian after Communism, or Cuban after Castro, is not aware that human rights are incompatible with cruelty. The debate here isn't only how to protect the country. It's how to protect our values.

So now we know the key to Alberto Mora's courage. *His mother would have killed him if he hadn't spoken up.* It is a statement that speaks to the critical importance of parents, telling their children stories, passing on values to the next generation. Because of a Hungarian immigrant mother, the best values of the United States are alive and well in this man. Perhaps I am naive, but I find inspiration in the story of this conservative Republican Catholic lawyer. His story, his willingness to speak out, gives me hope.

Source:

"The Memo" by Jane Mayer *The New Yorker* 2006-02-27