

September 21, 2008
UUFTC, Sonora

Reclaiming America's Soul

I want to have a conversation this morning about an unpleasant subject – the war on terror and how it has compromised the ideals on which this country was founded. Specifically, I want to talk about how we might reclaim our national soul from the damage done to it by an official policy adopting the use of torture and denying due process of law to suspected terrorists. These are unpleasant subjects, but I need to say at the outset how disappointed I am that neither of the presidential campaigns has seen fit to address them. This seems particularly significant when we consider that one of the campaigns is headed by a former prisoner of war, and the other is headed by a professor of constitutional law. Because this issue will not go away after November 4th. Recalling the words of John Quincy Adams, we went abroad in search of monsters to destroy. Now we need to become rulers of our own spirit once again.

I have been profoundly affected by reading an important new book by Jane Mayer, a writer for the *New Yorker* magazine. It is entitled: *The Dark Side: the Inside Story of how the War on Terror Turned into a War on American Ideals*. Although it is not pleasant reading, I recommend it highly. It recounts what we already pretty much know, but that we have tried to avoid thinking about – our descent to “the dark side,” in the words of Vice-President Cheney.

When I first wrote this sermon, this talk, I attempted to describe some of the actions and words that led us into a world of torture and denial of basic legal and human rights. And I wrote page after based on the book, until I realized that I had left myself no room to talk about our response to all that -- how to go about reclaiming our soul.

So, I'm not going recount in detail what the book covers in some 350 pages of carefully footnoted text. But these are some of the things we know that have taken place over the last eight years.

- Government lawyers, at the behest of the highest government officials authorized various forms of interrogation that would previously have been considered to be torture by almost any legal standard, including the notorious practice of “waterboarding.”
- Government lawyers also authorized other previously illegal practices, including secret capture and detention of suspects without charges. Once in U.S. custody, according to this reasoning, suspects could be held incommunicado, hidden from their families and international monitors, such as the Red Cross, and subjected to unending abuse, as long as it didn't meet the lawyers' own definition of torture.
- These measures were a quantum leap beyond earlier blots on the country's history of fair and equal treatment under the law – more significant than the Alien and Sedition Acts in the early 19th Century; than Lincoln's suspension of habeas corpus during the Civil War; than the imprisonment of Japanese Americans during World War II.
- These extralegal programs represent the most dramatic, sustained, and radical challenge to the rule of law in American history.

- And this challenge extends to international law as well – 60 years after the Nuremberg trials, America became the first nation – ever—to authorize violations of the Geneva conventions.
- So what we have today is a situation in which hundreds of people are incarcerated somewhere in the world. Some are no doubt guilty of heinous crimes or pose a serious threat. Others, probably the great majority are guilty of nothing more than having been in the wrong place at the wrong time. And many of these prisoners have been tortured under the standards of American and international law. Which means that many of these prisoners can never be tried, because to bring them to trial might force the government to describe the conditions under which their confessions were extracted.

Now it needs to be said that the terrorist acts committed on September 11th, were both terrifying and real. And for many in the government, the threat of such acts in the future, and the need to prevent them, took priority over what they saw as “legal niceties.” They were probably thinking more about preventing further attacks than about obtaining convictions. But it’s now seven years later, and we have no idea when, if ever, the “war on terror” will ever end. Meanwhile, “enemy combatants” are imprisoned with no prospect of legal redress.

There is one bit of sunlight shining through the dark side that Jane Mayer describes. Although there were many within the administration who worked diligently to justify torture and to take away legal protections, there were also those who protested. There were faithful government servants who stood up and said – No, this is wrong, this violates the Geneva Convention, this violates our constitution, this is shoddy, result-driven legal reasoning. Most of these professionals are no longer working for the government, but their example should inspire us. And these were not some liberals hiding out in a hostile administration. These were people with solid conservative backgrounds, who said “enough,” this violates my obligation to uphold the rule of law, and I will not be a party to it. Although many of these legal efforts failed initially, the bankruptcy of the government’s overturning of the rule of law was illustrated by three successive Supreme Court decisions – in the Hamdan, Hamdi, and Boumediene cases – in which a very conservative supreme court held that the government had overstepped its authority in its treatment of detainees.

Well, why does all this matter? In particular, what does it have to do with us as a religious community? These detainees were bad people who either participated in horrific acts or might have done so in the future, weren’t they? And if we don’t go over to “the dark side” as vice-president Cheney said we must, don’t we leave ourselves open to further attack? Don’t all these radical measures, whether illegal, unconstitutional, or in violation of international law, make us safer? Do any of you feel safer? I know I don’t.

So why does all this matter? First of all, there are ramifications about how we govern ourselves. Our founders came here to escape oppression by the various ruling families of Europe. Kings were all-powerful, and they were not bound by any laws, except for those they created. So the founders wanted to create a society that would be based on the rule of law and not on the whim of the rulers. Our very earliest settlers declared their intention to live by sets of laws, rather than the divine right of kings. And these pilgrims and puritans set the framework for what would follow -- the Declaration of Independence, the American Revolution, and the drafting of the Constitution. Each of

these documents further solidified the notion of a government of laws, not of men, and they enshrined some of the principles that have been violated under the war on terror – the right of every person to due process under the law, for example, and the right to *habeas corpus* to force the rulers to disclose the reason for a person’s imprisonment.

There’s another problem with this extra-legal program, besides its inclination to punish the innocent. The intelligence obtained is of highly questionable value, and many intelligence and law enforcement professionals have said so. Take the case of Maher Arar, a Canadian engineer who was detained at Kennedy Airport in New York on his way to Canada. He was flown secretly to Syria, where he was beaten and tortured, and confined in an airless, lightless space no bigger than a coffin. He described it as like being buried alive, and how he quickly descended into an animal state in which he would tell his captors whatever they wanted. Under this treatment, he confessed to having trained with Al Qaeda in Afghanistan, although he had never been in Afghanistan, and he signed numerous other false confessions. What this demonstrates is that torture may be effective in extracting confessions, but it is not so effective in getting at the truth. In the words of one U.S. intelligence official, “the marginal amount of intelligence gained is outweighed by the damage done.” The U.S., he warned, by violating people’s civil liberties, ends up radicalizing the very population that it seeks to turn away from terrorism.

So, torture and denial of individual rights should be opposed because they punish innocent people, and because they aren’t really effective anyway. But for us, as a religious community, there’s an even more compelling reason. They are Wrong!! Morally, ethically, philosophically, torture and denial of basic rights are simply unacceptable. They are unacceptable in any society, any culture, but they are particularly unacceptable for a people who hold themselves up the world as a shining example of freedom and democracy. And who better than religious communities to speak out against conduct that is condemned by every religious text ever written? We can get caught up in arguments about what is legal, and what produces useful intelligence, but in doing so, we tend to avoid looking at what this kind of conduct does to our soul! Who are we as a people if we stand by and let these things be done in our name, without protest? What does this do our individual souls and our collective soul?

Because the thing about torture and about incarcerating people indefinitely is that it is brutalizing. Yes, it brutalizes the victims, to be sure. I can’t even imagine what it must be like to be made to feel that I am drowning; to be confined in a lightless space no bigger than a coffin; to feel that I have lost all hope of ever being able to assert my innocence in a fair proceeding. But it also brutalizes those who torture. Last year, this congregation sponsored a showing of “Ghosts of Abu Ghraib,” and some of you may have seen the Errol Morris documentary, “Standard Operating Procedure.” These films show us young Americans who were given control over Iraqi prisoners and told to “soften them up” for interrogation. These are our sons and daughters; our sisters and brothers! And very quickly, as should have been predicted, they lose any sense of right and wrong. They find fun in abusing prisoners, even posing with the corpse of a man who died under interrogation. This is not an isolated or extreme example. When people are put in these kinds of situations, they lose their sense of what is normal behavior and they begin to demonize their victims. And the same happens to us on the national level, as a people. Over time, we begin to accept brutality as normal, and we begin to

see the “enemy” as less than human. And so, we lose our way; we lose our moral compass.

So – how do we reclaim America’s soul; how do we reclaim our own collective spirit that we have sacrificed by go “abroad in search of monsters to destroy?” One way for us to do that – that is especially applicable to Unitarian Universalists – is suggested in an excellent article in the most recent issue of *UU World*. It’s entitled “The Tyger and the Lamb,” and it was written by Rev. Dennis McCarty. The theologian Hans Küng wrote “there will be no peace among the nations without peace among the religions.” And we see this all around us. The three great monotheistic religions accept – and sometimes openly encourage – war and violence, even as they proclaim the virtues of justice, compassion, and mercy. So often, we pray for peace while condoning war; we preach tolerance and enlightenment, even as we condemn those who believe differently. Rev. McCarty attributes this contradiction to the misplaced faith that religions place in religious authority itself. Why are the religions of the world not at peace? McCarty writes:

Given the uncertainty of the human experience and human perception, it strikes me as neither wise nor ethical for any tradition to urge that its adherents abandon their inter-human obligations in support of religious authority. When we turn against one another in service of some “higher power,” we split and bypass our own humanity.

What we need, McCarty tells us, is “a faith of ethical relationship.” And interestingly, the vehicle for such a faith of ethical relationship is close at hand, and has also been present in human history for millennia. It is a faith built on the idea of covenant -- a committed faith that people’s lives matter; that what happens here and now matters more than the authority of any particular belief, and that we have it in our power to make the future better than the past.

The ancient Hebrews, of course, based their faith on the idea of covenant – a covenant between the people and their God, of course. But also a covenant among themselves to honor mutual societal obligations – to respect life, property, justice, and so forth. And Jesus of Nazareth interpreted Mosaic law to intensify the the ethical mandate of covenantal religion; most notably perhaps in teachings such as the Beatitudes. And the settlers of America – who serve as both our political forebears and our religious forebears, recognized the importance of their covenant among themselves in the Mayflower Compact, drafted in 1620. They wrote:

We, . . . solemnly and mutually, in the Presence of God and one another, covenant and combine ourselves . . . into a civil Body Politick, for our better Ordering and Preservation . . . And by virtue hereof to enact, constitute, and frame, such just and equal Laws, Ordinances, Acts, Constitutions, and Offices . . . as shall be most meet and convenient for the general good of the colony.

So often, faith in ethical conduct and right relationship has been replaced in religious practice by emphasis on religious authority. And therein, to this day, lies the distinction between fundamentalist religion and liberal religion. For us, as Unitarian Universalists, our faith doesn’t focus on authority. It centers on life right here, right now,

on the human condition, on ethics, on relationship, on the worth and dignity of every person, and our foundational interdependence on each other.

And this, I would argue, is the way we do the hard work of reclaiming America's soul from its eight-year journey on the Dark Side. We need to re-establish the ancient, yet modern, concept of the covenant. We don't need to be embarrassed when someone asks what we believe. We come with many different theological beliefs, but how we live is through covenant with each other. Covenantal faith is not a theological abstraction; it's a way – our way – of living in the world. It's a way of living that sees the divinity in every human being. And it's a way of living that recognizes that we are all in this together; that we are interconnected; that we depend on each other more than we know.