

A Shameful Day to Be a U.S. Citizen: America Has to Promise Russia It Will Not Torture a Prisoner

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I have been deeply ashamed of my country many times. The Nixon Christmas bombing of Hanoi and Haiphong was one such time, when hospitals, schools and dikes were targeted. The invasion of Iraq was another. Washington's silence over the fatal Israeli Commando raid on the Gaza Peace Flotilla—in which a 19-year-old unarmed American boy was murdered—was a third. But I have rarely been as ashamed and disgusted as I was Saturday reading that US Attorney General Eric Holder had sent a letter to the Russian minister of justice saying that the US would “not seek the death penalty” in its espionage case against National Security Agency whistleblower Edward Snowden, promising that even if the US later brought added charges against Snowden after obtaining him, they would not include any death penalty, and vowing that if Snowden were handed over by Russia to the US, he would “not be tortured.”

So it has come to this: That the United States has to promise (to Russia!) that it will not torture a prisoner in its control — a US citizen at that — and so therefore that person, Edward Snowden, has no basis for claiming that he should be “treated as a refugee or granted asylum.”

Why does Holder have to make these pathetic representations to his counterpart in Russia?



US Attorney General Eric Holder (l) and NSA whistleblower Edward Snowden

Because Snowden has applied for asylum saying that he is at risk of torture or execution if returned to the US to face charges for leaking documents showing that the US government is massively violating the civil liberties and privacy of every American by monitoring every American's electronic communications.

Snowden has made that claim in seeking asylum because he knows that another whistleblower, Pvt. Bradley Manning, was in fact tortured by the US for months, and held without trial in solitary confinement in a Marine military brig for nearly a year, part of the time naked, before being finally put on trial in a kangaroo court, where the judge (a mid-ranking officer surely thinking about the impact her verdict will have on her promotion prospects) is as much prosecutor as jurist, and where his guilt was declared in advance by the President of the United States — the same president who has also already publicly declared Snowden guilty too. (How, incidentally, can a military “court” render any real justice, when the Judge and Jury are officers who are beholden to superior officers, up to and including their commander in chief, and who have to consider how their decisions will affect their careers in the service?)

It is incredibly shameful that we US citizens have to admit that we live in a country that tortures its prisoners, that casually executes people who are mentally retarded, who are innocent, who had defense attorneys who slept through their clients' trials, whose prosecutors slept with the judge, who were denied access to DNA evidence that could have proven their innocence, or who were convicted based upon the lies of prosecutors and prosecution witnesses.

This country's "justice" system has become so perverted and politically tainted that the rest of the world, including Russia, knows that Snowden is telling the truth when he says he cannot hope to receive a fair trial here. Indeed, Congress has passed laws, and the President has signed laws, giving this government the power to lock someone like Snowden up indefinitely without trial, to torture him, and even to kill him, not through a jury decision on capital punishment, but simply on the basis of a secret "finding" by the President that he has aided or abetted terrorism.

No wonder Russia and several other countries, including Venezuela, Bolivia and Nicaragua, have offered or are considering offering Snowden asylum.

And no wonder that, in its obsession with getting its tyrannical hands on him, this government is willing to promise not to kill him or torture him (for what a promise from the US government is worth, especially since when Holder makes his promise of "no torture" we have to remember that Holder and the US don't define such horrors as waterboarding, stress positions, keeping someone naked in an unheated cell, or employing prolonged sensory deprivation as "torture").

Shame and anger are the only appropriate responses to that letter from Holder.

If this were a country that honored the rule of law, Attorney General Holder would not need to promise not to torture. He would need only to point to the US Constitution, with its ban on "cruel and unusual punishment." He would not need to promise a fair trial to Snowden, with no capital punishment on any charges. He could point instead to the Constitution's promise of a presumption of innocence and of a public trial by a jury of the accused's peers, to make the case against the granting of asylum.

In such a country, someone like Snowden, with the help of a crack legal team, would have a fair shot at proving to a jury his innocence of the government's frivolous espionage charges. He'd have a fair chance of convincing at least one juror of his absolute innocence of any crime, making his conviction impossible.

But that is not what this country is, especially today.

In today's US courts, we know the "Justice" Department would seek to bar testimony about Snowden's motives in leaking the documents he downloaded from the NSA's computers. They would ask the judge to limit defense arguments and testimony in the case to the narrow issue of whether or not he downloaded and leaked files, not to whether those files exposed Constitutional violations and needed to be brought to the public's attention. Our judges, nominated by presidents and confirmed by senators, Democrat and Republican, who want jurists who favor government secrecy and who generally side with the government against the people, can be counted on to grant the government's motions.

In such circumstances, a defendant like Snowden, facing charges of espionage or theft of

government secrets, has no ability to defend himself. The trial would be like in a Lewis Carroll event: "Verdict first, trial later!"

Hopefully President Vladimir Putin will not be pressured by the US into pretending that Snowden has nothing to fear in going back to face "justice" in the US.

It is bad enough that we Americans have to hang our heads in shame as our Attorney General pretends, against all evidence to the contrary, that there is still a fair legal system operating in the US, and that the US respects human rights and the rule of law.

We should not have to also endure yet another kangaroo court trial, this time of Edward Snowden.

Snowden should be granted asylum in Russia, or should be allowed to travel to one of the other countries of his choice that have had the courage to offer him asylum.

If we're going to have trials on the issue of spying in the US, let them be of Holder himself, and of President Obama.

NOTE: Check out the [interview by NBC's Matt Lauer of Snowden's father](#), retired Coast Guard officer Lonnie Snowden, and his attorney, former associate deputy attorney general in the Reagan administration.

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