

As Abu Ghraib crisis deepens

# White House torture documents portray an outlaw regime

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In an effort to shield itself from the deepening crisis over US torture and murder of prisoners captured in Bush's global "war on terrorism," the Bush administration released a limited selection of White House, Pentagon and Justice Department documents Tuesday.

The collection of previously secret memos was cast by the administration as showing that the US president did not order the atrocities that have been carried out at Abu Ghraib prison in Iraq, the Guantanamo detention camp in Cuba and numerous other clandestine facilities run by the military and the CIA across the globe.

Some of the media has accepted the administration's transparent attempt at damage control as good coin. Most notable was a cringing article that appeared in the *New York Times* Wednesday headlined "White House Says Prisoner Policy Set Humane Tone." It chose to highlight a hypocritical statement contained in a February 2002 memo from Bush that US "values ... call for us to treat detainees humanely." This vague assertion was tacked onto a declaration that the US would not be bound by the Geneva Conventions in its treatment of any of those it captured in Afghanistan, but the *Times* treated that as a secondary matter.

Despite the claims of the administration, the documents offer further glimpses into the inner workings of a government organized on the basis of criminal conspiracies and committed to the use of unrestrained violence and brutality in pursuit of the US ruling elite's interests.

They spell out that the administration was actively preparing a defense against potential war crimes charges, and that US Defense Secretary Donald Rumsfeld had specifically authorized many of the barbaric methods that were depicted in the photographs that came out of Abu Ghraib.

The released documents were selected with the aim of exonerating the president and his top aides of responsibility for the widely publicized instances of torture in Iraq. They did not include most of the memos that the ranking Democratic member of the Senate Judiciary Committee, Patrick Leahy, requested earlier this month. None of them dealt with current policy in Iraq.

However, for an administration characterized by extreme secrecy and an insistence that withholding public information is a matter of executive privilege, the release of even this material is an indication of mounting crisis and apprehension in the Bush White

House.

Appearing before the press Tuesday, Bush declared, "I have never ordered torture. I will never order torture." Not since Richard Nixon, in the midst of the Watergate crisis, declared to the nation, "I am not a crook," has a US president been placed in such a position. Within months, Nixon was forced to resign.

The release of the documents coincides with the opening of legal proceedings against some of the low-ranking reservists who have been criminally charged in connection with the torture, abuse and sexual humiliation of prisoners held at Abu Ghraib.

In a June 21 hearing, a military judge dealt a blow to the administration's attempt to pass off the outrages at the prison as the work of a handful of "rogue" prison guards. He ruled that defense attorneys were entitled to call as witnesses senior US commanders, including the Central Command chief, Gen. John Abizaid, and the commander of US forces in Iraq, Lt. Gen. Ricardo Sanchez.

At least some of the reservists' lawyers have indicated they will demand that Secretary of Defense Donald Rumsfeld and Bush himself be called to the stand in an attempt to prove that torture was a US policy that originated in the White House.

Meanwhile, the military judge ruled that the Abu Ghraib prison was a crime scene and therefore could not be destroyed, making Bush's vow to level the facility in the name of "democracy" look like a ham-fisted cover-up and obstruction of justice.

The administration's release of the documents was in large part a preemptive reaction to the developments in the military court in Baghdad. The reservists' attorneys had obtained many of the same memos and intended to use them to show that their clients' depraved actions were carried out in the execution of a criminal policy set at the top.

Much of the material released on Tuesday stems from an active discussion within the administration over how it could carry out torture against those held by US forces and on what legal grounds it could claim immunity from international law and charges of war crimes.

Among the most controversial of the released documents was an Aug. 1, 2002 memo drafted by Assistant Attorney General Jay Bybee at the request of the White House counsel. It narrowly defined torture as acts of violence committed against prisoners had to inflict pain equivalent to that accompanying "organ failure,

impairment of bodily function, or even death.”

The memo, which was leaked to the press earlier this month, elaborated a legal argument for the right of the US president and the US military to ignore and violate basic international and US statutes barring torture. While asserting unrestrained presidential power in wartime to use any methods, including the torture and murder of prisoners, it included as well a series of legal defenses that could be used if Bush or other top officials were charged with war crimes.

Administration officials dismissed the document as “academic” and “over-broad and irrelevant,” claiming that it was being redrafted. They failed to explain, however, why the memo’s author, far from being ostracized for drafting a brief for torture, was rewarded with an appointment as a federal appeals court judge.

Another document released Tuesday—also drafted by Bybee in January 2002—makes essentially the same argument. It affirms that the president and the military are not subject to either international law, including the Geneva Conventions, or the US War Crimes Act, in the treatment of individuals captured during the American intervention in Afghanistan.

“The customary international law does not bind the President or the US Armed Forces in their decisions concerning the detention conditions” of these prisoners, the document asserts.

In his own memo issued the following month, Bush explicitly embraced this interpretation that he is empowered to abrogate the Geneva Conventions at will. He claimed that he was not doing so in Afghanistan. At the same time, however, he adopted the position that all those opposing the US intervention were “enemy combatants” and therefore not covered by the Geneva accords, a position that has no basis in international law.

Rumsfeld spelled out the meaning of this presidential ruling when asked in early 2002 about the fate of Afghans transported to the prison camp at Guantanamo. “Unlawful combatants do not have any rights under the Geneva Conventions,” he said.

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Why it was necessary to deny the protections of the Geneva Conventions to prisoners if there was an intent to treat them humanely is never explained by any of the released documents.

The answer, however, is graphically indicated in one of the memos, issued in December 2002 by Rumsfeld. It authorized the use of a series of “aggressive interrogation techniques” by military intelligence at Guantanamo.

The methods approved by Rumsfeld were in some cases defining features of the infamous pictures that came out of Abu Ghraib. These included forcing the prisoners to go naked and with hoods over their heads, the use of attack dogs against them and forcing them to undergo prolonged “stress positions.” The directive allowed “physical contact, such as grabbing, poking in the chest with the finger, and light pushing.”

The memo approved holding detainees in complete isolation for 30 days, and even longer if approved by the supervising intelligence officer. Subjecting prisoners to sensory deprivation and 20-hour interrogation sessions was also authorized by the Defense Secretary.

A subsequent memo rescinded blanket authorization for the use of these techniques, requiring that interrogators obtain permission from the Pentagon before utilizing these and other “aggressive” measures. Administration officials gave no indication, however, of how many such requests were received and how many times they were approved. Officials likewise refused to specify what methods of interrogation are presently allowed.

No document has appeared as yet proving that Bush personally ordered the acts of brutality that have been inflicted upon prisoners in Afghanistan, Guantanamo, Iraq and elsewhere. Given the extensive discussion within the administration over how methods that constitute war crimes could be defended both in international and US courts, it is hardly likely that even Bush would be stupid enough to put his name on an order to beat, sexually assault and otherwise torture prisoners.

But for that matter, nearly 60 years after the fall of the Third Reich, no written orders for the extermination of European Jews have surfaced with Adolf Hitler’s signature on them. Others who were prosecuted for war crimes at Nuremberg were convicted without written documents proving that they had ordered underlings to carry out the atrocities of the Nazi regime.

The documents released by the Bush administration provide further substantive proof that this is a government composed of war criminals. Bush, Cheney, Rumsfeld and others deserve to be tried and punished for conspiring to wage a war of aggression and to utilize barbaric methods of torture that are in violation of the most basic statutes of international law.

It is noteworthy that the day after the release of these memos, Democratic presidential candidate John Kerry issued a statement “on building international support for our mission in Iraq” that made no mention whatsoever of the administration’s deepening crisis over the torture revelations at Abu Ghraib. Instead, he argued for increased US pressure for the deployment of NATO troops in the occupied country.

The Democratic Party, no less than the Republican, is unequivocally committed to a continued repressive war against the Iraqi people, with all its brutal consequences, including torture.



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