

White House blocked Senate ban on torture

Bill Van Auken
15 January 2005

The Bush White House intervened late last year to kill a piece of Senate legislation that would have barred the US Central Intelligence Agency from torturing foreign prisoners, the *New York Times* revealed Thursday. The White House action followed an intervention by the Pentagon six months earlier to quash a similar measure prohibiting the US military's use of abusive and inhumane treatment in the interrogation of detainees.

The article has provided further evidence that the infamous acts of torture at Abu Ghraib, and elsewhere, which the administration publicly condemns, are continuing with the knowledge and support of the White House itself.

Spearheading the administration's effort to thwart the attempt to rein in the CIA's torturers was Condoleezza Rice, the national security adviser and Bush's nominee for secretary of state. She addressed a letter last October to members of the US Senate and House of Representatives on the conference committee charged with the final drafting of intelligence reform legislation. She claimed the proposed restriction would grant "legal protection to foreign prisoners to which they are not now entitled under applicable law and policy."

Before Rice's intervention, the Senate had approved the new restrictions by a 90-to-2 vote. The House, however, failed to include similar language in its own version of the bill.

In addition to prohibiting torture, the proposed amendment required the CIA and the Pentagon to report to Congress on the methods used in interrogations and conditions prevailing inside the worldwide network of detention facilities that the US government has created over the past three years.

Senator Susan Collins, Republican from Maine, told the *Times* that, while dropping the proposed ban, the Senate Intelligence Committee would "take up the issue this year."

A leading Democrat involved in the decision, Senator Jane Harman of California, indicated that she and others had bowed to the demands of the CIA for secrecy and impunity. "If there are special circumstances around some of the interrogations, we should understand that before we legislate," she told the newspaper.

The administration dismissed the *Times* report. It was a case of "someone trying to create a story where there is none," declared White House spokesman Scott McClellan Thursday. He claimed that "the president would never authorize torture," and that the administration had opposed the Senate measure "because there are already laws on the books to address these issues."

However, the Bush administration—on the advice of White House counsel and Bush's nominee as the new US attorney general Alberto Gonzales—concluded that the president had the authority to suspend these laws, including international treaties barring torture, as part of the "global war on terror."

It adopted a macabre redefinition of torture, finding any torment that fell short of "organ failure, impairment of bodily function or even death" permissible.

At his Senate confirmation hearing last week, Gonzales formally disavowed support for torture, while refusing to repudiate his conclusion that the president could ignore laws prohibiting its use or to categorically rule out torture in the future.

Just a week before the hearing, the administration rescinded the finding that virtually anything short of death or dismemberment was allowed, and adopted a new memo that fastidiously declared all forms of torture "abhorrent."

The *Times* article, however, reveals that there was more to this new memo than had previously been reported. "But a cryptic footnote to the new document

about the ‘treatment of detainees’ referred to what the officials said were still-classified opinions,” the newspaper reported. “The footnote meant, the officials said, that coercive techniques approved by the Justice Department under the looser interpretation of the torture statutes were still lawful even under the new, more restrictive interpretation.”

To put it more bluntly, the public statements by Bush and other administration officials in the wake of the torture revelations at Abu Ghraib and elsewhere were designed for public consumption only. Behind the pretense of shock and disgust, the US military and the CIA have been given the green light to continue torturing those who fall into their clutches.

Practices that are still employed are apparently approved under a series of secret documents issued by the Justice Department explicitly authorizing methods of interrogation that clearly constitute torture. These include “waterboarding,” in which victims are strapped down and repeatedly submerged in water to induce the panic associated with drowning, and burying prisoners alive. Attorney general-designate Gonzales participated directly in the discussions that endorsed these methods.

The *Times* quoted a Congressional Democrat familiar with the White House intervention over the legislation as saying that “the administration wanted an escape hatch to preserve the option of using torture” against people held prisoner by the CIA.

It was undoubtedly for the same reason that the Pentagon successfully intervened last June to block the drafting of a restriction on the use of torture by the military. According to the *Times*, the Defense Department’s deputy counsel, Daniel Dell’Orto, addressed a letter to Congress insisting that the legislation was unnecessary, while claiming that the demand that the Pentagon file annual reports on its detention facilities and the fate of those held within them would be “onerous” and inappropriate.

As a result, the final version of the military authorization bill passed last year incorporated merely a nonbinding resolution expressing the opinion of the Congress that US military personnel should not torture prisoners.

Meanwhile, revelations of torture inflicted upon those captured and abducted by US military and intelligence personnel continue to mount. The *Los Angeles Times* Thursday carried a report based upon interviews with

lawyers for Mamdouh Habib, a naturalized Australian citizen arrested in Pakistan, turned over to US authorities and then transported aboard a CIA jet to Egypt. There “his Egyptian captors shocked him with high-voltage wires, hung him from metal hooks on the wall, nearly drowned him and mercilessly beat and kicked him,” the newspaper reported.

After nearly six months in the Egyptian torture chambers, he was transferred to the prison camp in Guantanamo Bay, Cuba. Now, after three years of incarceration, he is about to be released without charges to Australia. Having branded him an “enemy combatant” and Al Qaeda member based on false confessions extracted under torture, the US authorities have evidently concluded that he was guilty of nothing.

This method of contracting out torture to dictatorial regimes in the Middle East has become increasingly common. The *Los Angeles Times* quotes a recently retired CIA officer as saying that the practice—known as “extreme rendition” has become “a growth industry.” He added, “Ultimately, the agency just wants these people to disappear forever.”

The revelation of high-level pressure to prevent the enactment of legislation barring torture came as the court martial of Specialist Charles Graner Jr.—the first soldier to be prosecuted for the torture of Iraqi prisoners—approached its conclusion.

The evidence presented at Graner’s court martial has left no doubt that the former Abu Ghraib guard is a sadist who enjoyed inflicting pain and sexual humiliation upon the Iraqi detainees.

What the interventions by the White House and the Pentagon make equally clear, however, is that the brutality and sadism from which Graner derived pleasure were the official policy of the administration in Washington. Barbaric methods of torture were discussed, approved, promoted and defended by the highest officials in the US government, including the incoming secretary of state and attorney general, as well as the president himself.



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact