

Bush administration seeks legal sanction for torture

Joseph Kay, Tom Carter
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On Tuesday, the *Washington Post* published a front-page article revealing that Vice President Dick Cheney and CIA Director Porter Goss met with Arizona Senator John McCain last week to urge the modification of a Senate provision banning the US government from carrying out “cruel, inhuman, and degrading treatment” of prisoners in its custody.

Cheney’s secret visit, which was revealed only after it was leaked to the *Post*, came in response to an amendment attached to a military appropriations bill, approved by a 90-9 Senate vote on October 5. The amendment states, “No individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location, shall be subject to cruel, inhuman, or degrading treatment or punishment.”

This amendment, sponsored by McCain, was approved despite statements from the Bush administration that the president would veto the entire appropriations bill if it contained any language restricting the treatment of detainees. The response of the Bush administration to the passage of the amendment has been not simply to attempt to have it removed, but to alter it to include language explicitly sanctioning abusive methods.

Citing two unnamed sources, one of whom spoke “without authorization and on the condition of anonymity,” the *Washington Post* reported that Cheney’s proposed change “states that the measure barring inhumane treatment shall not apply to counterterrorism operations conducted abroad or to operations conducted by ‘an element of the United States government’ other than the Defense Department.”

The latter provision is meant primarily to exempt the CIA from any prohibition on torture. However, the proposed change appears to be broad enough to exempt any agencies engaged in what the government declares to be “counterterrorism operations.”

Indicating that the administration wants to ensure that the military, as well as the CIA, is given broad latitude, the *Post* reports, “Other sources said the vice president is also still fighting a second provision of the Senate-passed legislation, which requires that detainees in Defense Department custody anywhere in the world may be subjected only to interrogation techniques approved and listed in the Army’s Field Manual.”

The newspaper reported that McCain rejected Cheney’s demands. The Senate amendment is not included in a House version of the appropriations bill, and it is still uncertain whether it will end up in the final version to be sent to the president. White House officials have denounced the Senate amendment for

“undermining presidential authority,” and the administration continues to threaten to veto the bill if the amendment is included in the final version.

The exposure of the Bush administration’s attempts to secure explicit authorization for torture comes amidst further revelations of torture and killing by US forces in Iraq and Afghanistan. The American Civil Liberties Union (ACLU) this week released a report investigating the deaths of 44 individuals taken prisoner in Iraq and Afghanistan. Of those 44, which may constitute only a fraction of the total number of individuals who have died while in American concentration camps and prisons, 21 were found to be definite homicides. Most of these prisoners died either of asphyxiation or blunt force trauma, or both. In other words, they were beaten and strangled to death.

Commenting on the report, Anthony Romero, Executive Director of the ACLU, said, “There is no question that US interrogations have resulted in deaths. High-ranking officials who knew about the torture and sat on their hands and those who created and endorsed these policies must be held accountable.”

The implications of the language proposed by Cheney are far-reaching, and the proposal has provoked intense opposition within the political and media establishment. In an editorial published in the *New York Times* on Wednesday, the newspaper stated that Cheney’s proposals would give the CIA the power “to mistreat and torture prisoners as long as that behavior was part of ‘counterterrorism operations conducted abroad’ and they were not American citizens. That would neatly legalize the illegal prisons the CIA is said to be operating around the world and obviate the need for the torture outsourcing known as extraordinary rendition.” The *Times* added, “It also raises disturbing questions about Iraq, which the Bush administration has falsely labeled a counterterrorism operation.”

The very appearance of the original *Post* article, as well as the broad support that the original amendment received within the Senate, is indicative of opposition within ruling circles to the Bush administration’s open embrace of torture as a matter of state policy.

An editorial appearing Wednesday in the *Washington Post* did not mince words in denouncing Cheney’s intervention. His actions, the newspaper declared, demonstrated that “this vice president has become an open advocate of torture.”

The editorial went on to note that Cheney’s role in demanding that the Senate resolution be modified is not surprising. “The vice

president has been a prime mover behind the Bush administration's decision to violate the Geneva Conventions and the UN Convention Against Torture and to break with decades of past practice by the US military," the newspaper wrote. "These decisions at the top have led to hundreds of documented cases of abuse, torture and homicide in Iraq and Afghanistan." While the *Post* does not say so explicitly, these statements brand the second highest executive official in the country as a war criminal.

The conflict between the administration and the Senate over the amendment does not reflect differences over the basic aims of the White House. All the parties involved—including McCain and the editorial boards of the *Times* and the *Post*—support the war in Iraq and the general drive for American global hegemony. The amendment itself has received public support from many retired military officials, including Bush's former secretary of state, Colin Powell.

However, there are intense divisions over the means for obtaining these ends. What has brought them to the fore is the disastrous result for American imperialism of the military adventure in Iraq.

There is growing concern within broad sections of the ruling establishment that the open use of abusive interrogation methods is doing severe damage to the long-term interests of American imperialism. One of the main concerns of McCain, the *Post*, and the broader sections of the political establishment for whom they speak is that the Bush administration has undermined the ability of the US to present itself as a protector of human rights.

The citation of "human rights abuses" committed by other governments has long been a tool of American policy, and the *Post* editorial points out that "The State Department annually issues a report criticizing other governments for violating" an international treaty banning "cruel, inhuman and degrading" treatment of prisoners. The war in Iraq itself was, in part, justified on the grounds that Saddam Hussein tortured and killed his own people.

Without the moral trappings of "human rights," in which American imperialism has long sought to clothe its predatory actions, US foreign policy would be hampered—it would no longer have a plausible pretext to impose economic sanctions, carry out military actions on foreign territory, or launch full-scale invasions and occupations.

The administration's open contempt for international law has undercut the pretext which the US ruling elite has used to pursue its interests for decades. It is difficult for the US to use alleged violations of international law—by Iran, for example—as a justification for military intervention when the US itself so brazenly violates fundamental components of international law, including the Geneva Conventions.

Those within the military, the intelligence agencies and the foreign policy establishment who have come into conflict with the White House fear that the actions of the administration, in particular its prosecution of the war in Iraq and its treatment of detainees, have severely undermined the international image of the American government. The US is rightly reviled by the majority of the world's population, which sees it as the principal source of war and barbarism.

Opposition to the administration also reflects worries within the

US military that the same methods employed by the US in torturing, humiliating, and killing prisoners will be used by insurgents on American prisoners.

Finally, there is growing concern over the growth of antiwar sentiment within the United States, fueled by the worsening quagmire in Iraq. This oppositional sentiment has been intensified by the abhorrent images of American brutality, revealed most starkly in the photos from Abu Ghraib. Under the Bush administration, the ugly face of American imperialism has been revealed more fully than ever before, and in the eyes of broad sections of the American population the legitimacy of the political system is increasingly being called into question.

McCain and the rest of the Senate know full well that the US has used abusive methods, both directly and by proxy, for decades and will continue to do so whether or not the amendment passes. However, they would like to restore at least some credibility to the democratic façade.

On the other hand, the moves by the Bush administration to undercut the Senate amendment reflect the degree to which it and the sections of the ruling elite it represents are wedded to the use of torture in the pursuit of US imperialist aims.

Cheney's visit to McCain comes at a point of deep crisis within the administration, which is beset from all sides. It is facing mounting opposition from within the Republican Party to Bush's latest Supreme Court nominee, plummeting poll ratings, the effects of the administration's disastrous handling of Hurricane Katrina, the worsening situation in Iraq and the ever-rising toll of military casualties and deaths, and a grand jury investigation that could result in indictments against top administration officials, including Cheney's chief of staff and even the vice president himself.

That Cheney would nevertheless personally intervene to try to change the amendment is an indication of how deeply committed the administration is to a policy that employs abuse and torture.



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