

# Bush: “We don’t torture”—but don’t put it in writing

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“We do not torture,” George W. Bush declared during a brief press conference in Panama Monday. As a presidential statement denying the self-evident, it will go down in history alongside Richard Nixon’s 1973 assertion, “I am not a crook.”

Bush’s statement came in response to a reporter’s question about the recent revelations concerning the network of concentration camps that his administration, the CIA and the Pentagon have created from Afghanistan, to Iraq, Cuba, eastern Europe and Thailand.

Well over 10,000 people are imprisoned in these camps without charges or any rights to a hearing, representation or a trial. In most cases, they have simply disappeared without any notification of their families as to what has become of them.

According to the *Washington Post*, prisoners in the CIA’s facilities are kept in “dark, sometimes underground cells, they have no rights, and no one outside the CIA is allowed to talk with or even see them.” The paper also points out that “interrogators in the overseas sites are permitted to use the CIA’s approved ‘Enhanced Interrogation Techniques’.... They include tactics such as ‘water boarding,’ in which a prisoner is made to believe he or she is drowning.”

“Will you let the Red Cross have access to them?” the reporter in Panama asked about the detainees. “And do you agree with Vice President Cheney that the CIA should be exempt from legislation to ban torture?”

Cheney took the extraordinary step last month of going to Capitol Hill with CIA Director Porter Goss in an attempt to pressure senators into exempting the CIA from a proposed amendment that would ban “cruel, inhuman, and degrading treatment” of prisoners in US custody. Unless the exemption is inserted, the White House has threatened to veto the measure, which passed the Senate by a vote of 90 to 9.

Bush dodged the reporter’s questions, but the answers

are clear. No, he will not grant the Red Cross access to the CIA’s gulag and the thousands of “disappeared” being held by America’s secret police. And yes, he agrees with Cheney; any attempt to turn his verbal disavowal of torture into written law must be quashed.

It was over the word “torture” that Bush took umbrage. “We are finding terrorists and bringing them to justice,” the US president said. “We are gathering information about where the terrorists may be hiding. We are trying to disrupt their plots and plans. Anything we do to that effort, to that end, in this effort, any activity we conduct, is within the law. We do not torture.”

On the same day that Bush made his remark in Panama, military officials in Baghdad announced that five American soldiers of the 75th Ranger Regiment in Iraq had been charged with physically abusing three detainees in September.

“The detainees got bruises and contusions, caused by striking with a closed and open hand, and hitting with an object described as a broomstick,” a military spokesman said.

Citing a Pentagon source, the *Washington Post* reported: “So far, the Army has investigated more than 400 allegations of detainee mistreatment, and more than 230 soldiers and officers have faced courts-martial, non-judicial punishments and administrative punishments.”

These cases are just the tip of the iceberg, representing egregious incidents that the Pentagon was unable to conceal. These numbers indicate that the photographs from Abu Ghraib that shocked the entire world were not an aberration, but merely an accurate representation of systemic torture and abuse that are the inevitable byproduct of an illegal war and colonial occupation.

Indeed, some 1,800 similar—and worse—photographs taken at Abu Ghraib remain classified and have never been released to the public. Senators who were allowed to view them have described the photos as gut-wrenching,

depicting prisoners beaten almost to death, rapes of a female prisoner and young boys, and other acts of sadism and torture.

Also, on the day Bush indignantly declared “We do not torture,” the *New Yorker* magazine published a lengthy article by Washington staff writer Jane Myer subtitled “Can the CIA legally kill a prisoner.”

The article was the product of a fresh investigation into the case of Iraqi detainee Manadel al-Jamadi, tortured to death in Abu Ghraib prison in November 2003. His battered corpse, wrapped in plastic and packed in ice, became one of the props in the hideous photographs taken at Abu Ghraib. Soldiers posed leering over the body giving a “thumbs up” gesture.

The *New Yorker* report disclosed for the first time the name of the CIA officer who conducted the interrogation that killed Jamadi. He is Mark Swanner, a 46-year-old employee of the agency. He has been charged with no crime and continues to work for the CIA.

The report quotes a former official in the CIA’s Inspector General’s Office as saying that Bush administration officials “would be opposed to any accountability in this case. They want it to disappear off the screen.”

During his detention and interrogation, a handcuffed Jamadi was repeatedly “body-slammed” by US personnel, suffering six fractured ribs. According to the testimony of a CIA guard, cited by National Public Radio reporter John McChesney, the detainee was stripped naked and doused in cold water. A CIA interrogator threatened to “barbecue him” and, when Jamadi moaned, “I’m dying, I’m dying,” the interrogator replied, “You’ll be wishing you were dying.”

According to the testimony of an Army MP who helped lead the prisoner into the CIA interrogation room, Swanner ordered him “shackled to the wall,” the *New Yorker* reports. His arms, shackled behind his back, were raised behind him and chained to the bars of window about five feet off the floor. His head was hooded in a plastic bag.

According to medical experts consulted by Myer, Jamadi died from asphyxiation. Essentially, he was crucified.

Whether America’s pious Christian president considers crucifixion a form of torture is unknown.

Waterboarding, however, does not fall into this category as far as the CIA and his administration are concerned. And, as the infamous 2002 legal memo drafted under the direction of then-White House legal counsel—now US

attorney general—Alberto Gonzales spelled out, no form of sadism or abuse constitutes torture unless it induces pain commensurate with death or major organ failure.

While the Jamadi interrogation would seem to have crossed over even that line, it not so clear, as the memo also stipulated that the action could only be considered illegal torture if the torturer himself *intended* to inflict such pain.

The *New Yorker* cites a subsequent March 2003 Justice Department memo that a source described as “breathtaking.” The magazine reports, “The document dismissed virtually all national and international laws regulating the treatment of prisoners, including war crimes and assault statutes, and it was radical in its view that in wartime the President can fight enemies by whatever means he sees fit. According to the memo, Congress has no constitutional right to interfere with the President in his role as Commander-in-Chief, including making laws that limit the ways in which prisoners may be interrogated.”

This is the crux of the matter and the real meaning of Bush’s statement in Panama. The Bush administration has transformed the president’s title as “commander-in-chief” from a constitutional role that assured civilian control over the military to an assertion of militarized and dictatorial power of the White House to override any law, national or international, in the name of a never-ending “global war on terrorism.”

Thus, when Bush asserts that anything his administration does in the war on terrorism is “within the law,” he is referring to a framework in which the only law is the will of the White House. Under this system, nothing the president does is illegal. Therefore, if torture is illegal, “We do not torture”—all of the CIA dungeons and broken corpses notwithstanding.



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