More revelations concerning CIA destruction of torture tapes

Both parties supported US interrogation program

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The revelation last week that the CIA deliberately destroyed videotapes involving the interrogation and torture of at least two prisoners has thrown further light on the criminality of the Bush administration. The CIA has been caught red-handed in obstruction of justice in destroying incriminating evidence and lying to the courts and the 9/11 Commission.

Several reports, however, clearly demonstrate that the policy of torture received bipartisan support and that leading Democrats knew of the tapes and the CIA's intention to destroy them, but did nothing to inform the American people.

The tapes in question include hundreds of hours of interrogation of at least two individuals whom the US has accused of acts of terrorism—Abu Zubaydah and Abd al-Rahim al-Nashiri. Both were captured in 2002 and both are now being held at Guantánamo Bay. Current CIA head Michael Hayden acknowledged on Thursday that the agency had destroyed the tapes in November 2005.

The identity of the second prisoner as al-Nashiri was revealed over the weekend. Al-Nashiri has been accused of organizing the bombing of the USS Cole in 2000. During a hearing earlier this year at Guantánamo, he insisted that he confessed to his role in the bombing only after he had been tortured. (See "Guantánamo prisoner charges confession extracted through torture")

Leading members of Congress of both the Democratic and Republican parties were informed in 2002 of the existence of the CIA program and the interrogation techniques it used. In 2003, they were informed of the tapes and the intention of the CIA to destroy them. At least as early as November 2006, they were informed that the tapes had, in fact, been destroyed.

According to a *Washington Post* article on Sunday, in 2002 four leading congressmen, including the current speaker of the House of Representatives, Nancy Pelosi, Democrat from California, were "given a virtual tour of the CIA's overseas detention sites and the harsh techniques interrogators had devised to try to make the prisoners talk."

The *Post* reports: "Among the techniques described, said two officials present, was water-boarding, a practice that years later would be condemned as torture by Democrats and some Republicans on Capitol Hill. But on that day, no objections were raised. Instead, at least two lawmakers in the room asked the CIA to push harder, two US officials said."

It was not until November 2005, in the period when the CIA decided to destroy the videotapes, that the American people learned about the secret interrogation program that used such methods as water-boarding, a notorious torture technique involving the near drowning and suffocation of the prisoner. The source for these revelations (first reported in an article in the *Washington Post* on November 2) was not the Democratic Party leadership, but unnamed foreign diplomats and US intelligence officials.

Post Sunday's article notes that beginning in 2002, the top officials in Congress at least 30 private briefings, "some of which included descriptions of [water-boarding] and other harsh interrogations methods."

The meetings included the leaders from both parties of the Senate and House intelligence committees. To date, press reports have revealed the names of six legislators who were briefed on the CIA torture program in 2002-2003: Democratic representatives Jane Harman (California) and Pelosi, Democratic senators Bob Graham (Florida) and John D. (Jay) Rockefeller (West Virginia), Republican Representative Porter Goss (Florida) and Republican Senator Pat Roberts (Kansas). Goss was subsequently made head of the CIA and was serving in that post when the tapes were destroyed in 2005.

Pelosi declined to respond in the *Post* article, but a "congressional source familiar with Pelosi's position" told the newspaper that Pelosi recalled discussion of the techniques, but said they were still in the planning stage at the time. The source "acknowledged that Pelosi did not raise objections at the time."

According to a December 8 article in the *New York Times*, congressional leaders were informed of the existence of the videotapes in February 2003, and were also informed of the intention of the CIA to destroy them. Harman is now claiming that she urged the CIA not to destroy the tapes, but there was no attempt to inform the American people.

These revelations show that the Democratic Party leadership knew of the CIA's torture program and approved of it. Only when the CIA program was leaked in 2005 did Democrats feel obliged to posture as opponents of these practices.

Since winning control of both houses of Congress in the November 2006 elections, the Democratic Party has held no serious hearings and done nothing to investigate the Bush administration's policy of torture.

Democrats knew of the existence of these videotapes throughout the 9/11 Commission investigation. The commission, appointed by Congress and the White House, was ostensibly established to thoroughly investigate the terrorist attacks and provide a detailed report to the public.

According to press reports, the CIA did not provide videotapes of its interrogation of alleged terrorists to the commission. The CIA has suggested that the commission never requested them, but this claim has been directly refuted by those involved.

The *New York Times* reported on Saturday that the co-chairmen of the commission, former New Jersey Governor Thomas Kean, a Republican, and former Democratic Congressman Lee Hamilton, "said that they made clear in hours of negotiations and discussions with the CIA, as well as in written requests, that they wanted all material connected to the interrogations of Qaeda operatives in the agency's custody..."

The *Times* quotes Hamilton as saying, "The CIA certainly knew of our

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interest in getting all the information we could on the detainees, and they never indicated to us there were any videotapes. Did they obstruct our inquiry? The answer is clearly yes. Whether this amounts to a crime, others will have to judge."

Aside from concealing its treatment of the prisoners—which directly violated both international and domestic prohibitions of cruel and abusive treatment—the CIA may have had an interest in preventing any review of the content of the interrogations.

According to investigative journalist Gerald Posner in his 2003 book, *Why America Slept*, Zubaydah claimed during interrogation that he had the support of Pakistani intelligence and leading members of the Saudi royal family, including Prince Ahmed bin Salman bin Abdul-Aziz. The prince—who was in the US at the time of the attacks and was flown out by the US government shortly afterward—and the other individuals whom Zubaydah named all died shortly after Zubaydah's interrogation, according to Posner.

If Posner's account is true, it means that Zubaydah's interrogation casts doubt on the entire official account of September 11. It raises the role of Pakistani intelligence and the Saudi monarchy, both of which have long had close ties to US intelligence.

The Democrats would also have known of the existence of the videotape throughout the trial of Zacarias Moussaoui, who was convicted in May 2006 of having participated in planning for the September 11 attacks. Moussaoui's lawyers asked repeatedly for videotapes of alleged al Qaeda prisoners. A judge ordered that the government turn over all tapes of interrogations in November 2005, the same month that the videotapes were destroyed.

"It's obvious to me that they destroyed material evidence in the case," Edward MacMahon, one of Moussaoui's lawyers, told the *Times.* Of Hayden's claim that the tapes were not relevant, MacMahon said, "General Hayden isn't a federal judge, and that's not his decision to make."

The CIA and Justice Department have announced a joint inquiry, the White House is carrying out an internal probe, and the congressional intelligence committees are pledging to hold hearings. However, the complicity of the entire political establishment ensures that any investigations that are held will be designed to cover up the real extent of criminality.

In interviews on the morning television talk shows on Sunday, leading Democrats were muted in their criticisms of the CIA and the Bush administration. On CNN's "Late Edition" program, California Senator Dianne Feinstein, a member of the Senate Intelligence Committee, insisted there be no "rush to judgment" regarding the destruction of the tapes. Asked if the destruction of the videotapes was a crime, Feinstein replied, "Based on what I know now it was a big mistake. We will have to investigate whether or not it was a crime."

Feinstein rejected calls by a few Democrats for an independent investigator to look into the matter. She said that the joint investigation by the Justice Department and the CIA would allow the newly confirmed attorney general, Michael Mukasey, to demonstrate his "independence." Feinstein was one of the Democratic senators who backed Mukasey earlier this year, even though he refused to condemn water-boarding as torture during his confirmation hearings.

"Before everybody rushes to judgment, let the investigation take place," Feinstein said.

Feinstein's solicitousness for CIA torturers and their superiors stands in marked contrast to her attitude, and that of the entire political and media establishment, to the legal rights of the victims of US torture, kidnapping and illegal detention—many of whom have been locked up without charges for over six years.

Senator Rockefeller, speaking on CBS' "Face the Nation" program, was likewise circumspect in his criticism, suggesting that one could only "speculate" about why the tapes were destroyed. Asked about the *Post* article that named Rockefeller as one of those who had been briefed about the CIA program, the senator claimed that national security considerations prevented him from speaking of what he knew.

When CBS anchor Bob Schieffer asked if there were any other tapes, Rockefeller refused to answer. Asked if the CIA should refrain from destroying any other tapes that might exist, Rockefeller quickly changed the subject.

Rockefeller joined Feinstein in rejecting the appointment of a special counsel. He insisted, "I don't think there's need for a special counsel, and I don't think there's a need for a special commission. It's the job of the intelligence committees to do that."

Given Rockefeller's own complicity in the torture program and his concealment of the CIA's destruction of incriminating tapes, his insistence that his committee investigate the affair is a classic example of the fox guarding the hen house.

A cover-up is well underway. The official line that is now emerging from leading Democrats and the White House is that the CIA was urged by various officials—including then-deputy White House chief of staff and close Bush confidant Harriet Miers, leading congressmen, and lawyers at the Justice Department—not to destroy the tapes. According to this line, then chief of the CIA's Directorate of Operations, Jose Rodriguez, made the decision anyway.

As for Bush, his spokesman said on Friday that he had "no recollection" of the tapes or their destruction.

All of this is a smokescreen to cover up the fact that the policy of torture and its concealment received the stamp of approval of both political parties. In fact, the entire US political establishment, including the corporate-controlled media, is implicated in this conspiracy.

It is not clear how long the *New York Times* and other newspapers knew about the videotapes. With leading Democrats aware of these tapes for years, however, it is highly unlikely that the editors of the *Times* and the *Post* were left completely in the dark.

The media is downplaying the significance of a story that could easily form the foundation of impeachment investigations, if not war crimes proceedings, against top administration officials. The *Times*, which broke the story to begin with, chose not to publish an editorial on the subject of the videotapes in the two days since it published its report.

The most the *Times* could do was refer to the videotapes briefly in a short editorial—the second of several on Sunday's editorial page—addressing proposed legislation against CIA water-boarding. The newspaper merely said, "Congress must find out what was on those tapes and who is responsible for their destruction."

The network evening news broadcasts gave the story scant coverage Friday night and have since dropped it altogether.

The revelation of the CIA torture tapes and their destruction has profound implications for democratic rights in the United States.

The CIA destroyed the footage because it feared the tapes would be exposed either in the course of the 9/11 Commission probe or various judicial proceedings underway at the time. The US government knew that were the American people to see documentary proof of what it was doing in their name they would in their vast majority be shocked, outraged and repulsed.

They were also well aware that they were breaking the law. The *Times* reported in its initial article on Friday, citing officials familiar with the decision, that the tapes were destroyed "in part because officers were concerned that video showing harsh interrogation methods could expose agency officials to legal risks."

In this revelation, two sides of the government's lawlessness converge: Its contempt for the law and any standard of human rights in its foreign policy, and its contempt for the Constitution, the law and the courts in its domestic operations.

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Moreover, the complicity of the Democrats underscores the lack of any serious commitment to the defense of democratic rights within either of the two parties of the US corporate elite. Should the Democrats win control of the White House in 2008, there will be no significant change in the basic policy of the US government. From torture, to domestic spying, to illegal wars of aggression, the Democrats have been exposed again and again as direct accomplices of the Bush administration.

Underlying this complicity is a bipartisan defense of the interests of the American ruling elite—in its imperialist expansion abroad and its attack on the living standards and democratic rights of the working class at home.

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