

Declassified letter exposes Democratic Party complicity in CIA torture

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Last week, the CIA declassified a February 2003 letter from Democratic Representative Jane Harman of California discussing the planned destruction of videotapes depicting the interrogation and torture of prisoners held by the CIA.

Harman requested that the CIA release the letter in order to show her supposed criticism of the agency's plans to destroy the evidence. In a statement on the letter, Harman said that it "makes clear my concern about possible destruction of any tapes." In fact, the letter only underscores the fact that the Democratic Party was aware of and supported the CIA's secret policy of torture.

Democrats knew of plans to destroy evidence of interrogations, but made no serious attempt to stop it or inform the American people. Indeed, Harman's "concern" was in effect an indication to the CIA that the Democrats would not challenge a decision to destroy the tapes and would not expose the agency if it did so.

The videotapes, involving hundreds of hours of interrogation of Abu Zubaydah and Abd al-Rahim al-Nashiri, were secretly destroyed in November 2005. Their destruction was only publicly disclosed last month, though several Democrats had been made aware of the action at least a year ago.

Perhaps the most significant section of the three-paragraph letter is that dealing with the CIA's interrogation policy, not the plans for destroying the tapes. Harman made clear that she supported the program of "enhanced interrogation," which included the use of the notorious torture technique of waterboarding. The letter amounted to a green light for the continuation of the program, which was kept secret from the American people for several more years.

In the letter, addressed to CIA General Counsel Scott

Muller, Harman discusses a briefing given to a few leading Democratic and Republican congressmen the week before. She says that the briefing "brought home to me the difficult challenges faced by the Central Intelligence Agency in the current threat environment. I realize we are at a time when the balance between security and liberty must be constantly evaluated and recalibrated in order to protect our nation and its people from catastrophic terrorist attack..."

Harman reported that at the hearing, Muller "assured us that the [redacted] approved by the Attorney General have been subject to an extensive review by lawyers at the Central Intelligence Agency, the Department of Justice and the National Security Council and found to be within the law."

Harman, who is a graduate of Harvard Law School, indicated no disagreement with these legal findings, even though the methods employed by the CIA are clear violations of anti-torture statutes and international treaties. She merely questioned whether or not what she later calls "enhanced techniques" were consistent with US policy and whether or not they had been "authorized and approved by the President."

Many of the documents arguing for the legality of torture have never been released to the public. However, one such document was leaked to the public—the infamous August 2002 "torture memo," prepared by Justice Department lawyers—which argued that the president has the constitutional right to torture as part of his war powers. This memo presumably formed part of the legal rationale presented by the CIA to Harman and others to justify the torture methods.

Harman's acceptance of the legal rationale for torture was in line with the reaction of the entire Democratic Party to the antidemocratic policies implemented by the White House, using the "war on terror" and the attacks

of September 11 as a pretext.

According to a *Washington Post* article published last month, in 2002 four congressional leaders, including the current speaker of the House, Nancy Pelosi, another Democrat from California, were “given a virtual tour of the CIA’s overseas detention sites and the harsh techniques interrogators devised to try to make the prisoners talk.”

The meeting with Harman in February 2003 evidently also included a discussion of the CIA’s plans to destroy the tapes. Harman wrote to Muller, “You discussed the fact that there is a videotape of Abu Zubaydah following his capture that will be destroyed after the Inspector General finishes his inquiry. I would urge the Agency to reconsider that plan.”

Harman does not suggest that the tapes should be preserved because they depict illegal activity and therefore constitute evidence of a crime. She also does not oppose the Bush administration’s determination that the destruction of the tapes would be legal. Rather, she suggests, “The videotape would be the best proof that the written record is accurate, if such record is called into question in the future. The fact of destruction would reflect badly on the Agency,” she concludes. In other words, Harman’s concern was largely one of public relations.

The references to an inquiry by the CIA inspector general apparently refers to an examination, carried out by inspector general John Helgeson, into the CIA’s interrogation techniques. The inquiry was completed in the spring of 2004, but there were no public references to it until November 2005. It was reportedly critical of the “enhanced interrogation” techniques.

On November 9, 2005, the *New York Times* published an article citing officials familiar with the report. According to the *Times*, the officials “said the report expressed skepticism about the Bush administration view that any ban on cruel, inhumane and degrading treatment under the treaty does not apply to CIA interrogations because they take place overseas on people who are not citizens of the United States.”

The *Times* exposure of the Inspector General report is another possible motivating factor behind the CIA’s decision to go ahead and destroy the tapes in November 2005. That same month, other reports exposed for the first time the existence of the CIA network of secret prisons. The government was also being pressed in

several court cases to turn over all evidence and records of interrogation.

The role of the Democrats in supporting and helping cover up the CIA’s torture program and the subsequent destruction of videotapes ensures that any Congressional investigation will be a whitewash. It appears increasingly likely that Democrats will scale down Congressional inquiries on the grounds that the Justice Department has launched its own criminal investigation.

Last week, Democrats moved quickly to praise an announcement by Attorney General Michael Mukasey that a criminal investigation will begin. Mukasey’s selection of John Durham, a deputy US attorney from Connecticut, has been portrayed in the media and by Democrats as a move to give the investigation greater independence. This is false. Durham’s work will be subordinate to and filtered by the Justice Department, which means the Bush administration. It will have no “independence” from those who are deeply complicit in the crime that is supposedly under investigation.

The attitude of sections of the liberal establishment was expressed in an editorial in the *Los Angeles Times* on January 4. The *Times* is the principal newspaper in California—the home state of both Harman and Pelosi.

The editors wrote that Mukasey “has displayed a commendable sensitivity to appearances” by appointing Durham to lead the criminal investigation. The newspaper said that congressmen “shouldn’t complicate his assignment by forcing key figures in the criminal investigation to testify on Capitol Hill—at least for now.”

Meanwhile, the Justice Department investigation will likely be dragged out for an extended period of time and possibly through the end of the Bush administration’s term of office.



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