

Bush defends torture

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On the eve of his weeklong trip to Africa, US President George W. Bush Friday delivered an open defense of his administration's criminal record of torture and repression, acts that have blatantly violated international law and turned the US into a pariah nation.

Bush's intervention followed a carefully orchestrated propaganda campaign by administration officials aimed at legitimizing the use of torture by US intelligence agencies, and in particular defending the procedure known as waterboarding in which a prisoner under interrogation is strapped down and subjected to induced drowning by having water poured over his mouth and nose.

The intention of the campaign being waged by Bush and his aides is to consolidate during the little less than a year remaining to the administration the sweeping repressive measures that it has imposed since September 2001. At the same time, it has clearly signaled its desire to put terror back on the front burner of American politics with the aim of terrorizing the American people in the run-up to the 2008 election.

In an interview with the BBC Thursday, Bush reiterated his threat to veto legislation approved the day before by the Senate banning the use of waterboarding and other forms of torture that the Bush administration has defined euphemistically as "enhanced interrogation methods." The House of Representatives passed a similar bill last December.

The Senate voted by 51-to-45 to approve the measure, falling far short of the two-thirds majority needed to override a presidential veto. Five Republicans voted for the legislation. Neither of the Democratic presidential candidates—Senators Hillary Clinton and Barack Obama—voted, while Republican front-runner Senator John McCain voted against it.

The legislation restricts the CIA and other intelligence agencies to the methods outlined in the Army Field Manual, which explicitly bars waterboarding, mock executions, forced nakedness and sexual assault, electric shock as well as sensory and sleep deprivation. These are all methods that have been utilized in the so-called "war on terror" in detention centers like Guantanamo and Abu Ghraib as well as in secret CIA prisons scattered across the globe.

Asked by Matt Frei of the BBC whether vetoing a law that proscribes waterboarding didn't send "the wrong message" to the world, Bush was implacable. The legislation, he insisted, would result in "imposing a set of standards on our intelligence communities in terms of interrogating prisoners that our people will think will be ineffective."

Accusing critics of torture of abetting terrorism, he asked, "Which attack would they have hoped that we wouldn't have

prevented?"

The job of the president, he added, is to "give his professionals within the law the necessary tools to protect us." He repeatedly insisted that the CIA and other US agencies were operating "within the law." In answer to Frei's question about his threatened veto, he said, "The reason I'm vetoing the bill—first of all, we have said that whatever we do ... will be legal."

The Bush administration's concept of legality, however, is that the president, as commander in chief of the military, has unlimited powers to override any law or constitutional principle in the name of protecting the country. Therefore, torture, kidnapping, domestic spying and extra-judicial executions are all legal so long as they are carried out on his order.

The administration's tortured logic regarding the legality of torture found fresh expression Thursday with testimony before a House committee by Steven Bradbury, acting head of the Justice Department's Office of Legal Counsel, who acts as the president's top legal advisor at the Justice Department.

"There has been no determination by the Justice Department that the use of waterboarding, under any circumstances, would be lawful under current law," Bradbury told the House Judiciary subcommittee.

The words were artfully chosen. They clearly imply that neither has any determination been made that this method of torture is illegal, either "under current law" or previously during 2002-2003, when, according to a recent admission by CIA Director Michael Hayden, the agency waterboarded three detainees. While claiming that US operatives are not presently waterboarding prisoners, Bradbury indicated that the torture method could be added to the CIA's "interrogation program." If it was, he said, congressional leaders would be notified.

Elsewhere in his remarks, Bradbury noted pointedly that use of waterboarding had been "the subject of oversight by the Intelligence Committees of both Houses of Congress, and the classified details have been briefed to members of those Committees and other leaders in Congress."

Among those briefed on the torture program in 2002-2003 was House Speaker Nancy Pelosi. According to a report in the *Washington Post* last December, the legislators received "about 30 private CIA briefings, some of which included descriptions of waterboarding, overseas rendition sites." Their reaction, according to the *Post* "was not just approval, but encouragement." The implication of Bradbury's remark was unmistakable: "If we're guilty, so are you."

Bradbury's testimony followed that of Attorney General Michael Mukasey last week. Mukasey put forward the position

that the Justice Department could not investigate much less prosecute anyone for carrying out the illegal torture, because it was the Justice Department's own Office of Legal Counsel that approved these methods. Indeed, it was Bradbury who, in 2005, issued a series of classified legal memos designed to circumvent anti-torture statutes and backing the use of waterboarding, exposure to cold, head-slapping and other forms of torture. Similar secret torture memos were issued by the office in 2001 and 2002.

"Essentially it would tell people, 'You rely on a Justice Department opinion as part of a program, then you will be subject to criminal investigations ... if the tenure of the person who wrote the opinion changes or indeed the political winds change,'" Mukasey said.

Speaking before the Conservative Political Action Convention last week, Vice President Dick Cheney defended the torture methods unequivocally. "It's a tougher program for a very few tougher customers," Cheney said. "The program is run by highly trained professionals who understand their obligations under the law. And the program has uncovered a wealth of information that has foiled attacks against the United States."

In the midst of this debate on the desirability of torture raging within the US political establishment, the Bush administration issued dark warnings Friday over the failure of the House to rubberstamp Senate legislation renewing sweeping domestic surveillance powers combined with retroactive immunity for telecommunications corporations—AT&T, Verizon, Sprint and others—who violated the law by collaborating with the National Security Agency's illegal warrantless spying program.

The amnesty—approved with significant Democratic support in the Senate—would shut down some 40 civil lawsuits. The administration is anxious to call these legal actions to a halt not only out of concern for the profit interests of the telephone companies, but out of fear that they could further expose the illegality of the White House's own actions.

The so-called Protect America Act, under which the administration was continuing its domestic wiretapping operations, expires February 16. The legislation, approved by the Democratic-led Congress last August, gave the government powers to eavesdrop on the phone calls and emails of US citizens, so long as they are in communication with individuals "reasonably believed to be located outside the United States." This wiretapping could be ordered and continued for up to a year on the sole authority of the US attorney general, with no judicial oversight.

The legislation passed by the Senate retains these sweeping powers. The House leadership was also prepared to continue them, but balked at the blanket immunity for the telecommunications firms.

As a result of the House's failure to pass the legislation, Bush claimed, "our country is more in danger of an attack. By not giving the professionals the tools they need, it's going to be a lot harder to do the job we need to be able to defend America."

This attempt at fear-mongering is founded on lies. The reality is that the spying begun under the Protect America Act can continue for up to a year. Meanwhile, new surveillance can be launched under the provisions of the Foreign Intelligence Surveillance Act (FISA), which allows intelligence agencies to begin wiretapping

first and obtain warrants later. And, in any case, the House and Senate will no doubt arrive at a compromise that abrogates basic democratic rights of the American people. What concerns Bush is not some heightened threat of terrorism, but rather even any limited challenge to his assertion of near-dictatorial powers.

The *Washington Post*, meanwhile, weighed in with an editorial Friday backing the Senate anti-waterboarding bill and criticizing Bush's veto threat. Entitled "Moral Barrier," the editorial called the legislation an "important step toward restoring the moral authority of the United States."

It added weakly, "One would think the leader of a country that cherishes human rights would support this worthy measure, but President Bush, to the great detriment of the United States and his legacy, is likely to veto it."

The concern of the *Post* and those sections of the ruling elite for which it speaks, is that the open defense of torture in Washington is undermining US interests by increasing popular opposition to US policy in the Middle East and around the globe.

Underlying all of these debates, however, is the Bush administration's record of wholesale criminality in which the Democratic congressional leadership, the mass media and the entire political establishment are complicit.

No act of Congress banning specific torture techniques will suffice for "restoring the moral authority of the United States." Waterboarding and the other vicious acts of brutality carried out against individuals that the US has abducted and detained around the world were already outlawed under both US statutes and international law. Why should anyone believe that this new congressionally enacted "moral barrier" would be worth any more than the paper on which it is printed?

The real issue is holding Bush, Cheney and all those responsible for ordering wars of aggression, torture and other war crimes accountable, both politically and criminally. No section of the Democratic Party leadership is prepared to fight for this, precisely because it is so deeply implicated in these policies.



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