

The Obama administration and torture

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On Thursday, Leon Panetta, the director of the Central Intelligence Agency (CIA), issued an internal memo declaring the Obama administration's opposition to the investigation of intelligence personnel who carried out torture under the Bush administration.

The statement, announcing a blanket amnesty for those who have committed grave violations of international and human rights law, came on the heels of a leaked International Committee of the Red Cross (ICRC) report that detailed, and defined as torture, the CIA's horrifying "enhanced interrogation" methods. (See: Red Cross report details CIA war crimes)

The media has largely ignored the ICRC report, instead seizing on parts of Panetta's memo that indicate the Obama administration will decommission CIA "black site" prisons and cease using private contractors in interrogations.

Panetta claims that CIA personnel cannot be investigated because they were acting under legal findings crafted by Bush administration Justice Department officials—findings the Obama administration has thus far refused to make public. The memo reads, "Officers who act on guidance from the Department of Justice—or acted on such guidance previously—should not be investigated, let alone punished."

Yet international law, including precedents established in the Nuremberg trials of Nazi military and civilian officials, makes clear that this "just following orders" defense is not applicable to violations of human rights and war crimes such as torture. Nuremberg Principle IV states, "The fact that a person acted pursuant to order of his Government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact possible to him."

More importantly, Panetta's claim that CIA personnel were only following orders begs the

question: Why not prosecute those who gave the orders?

There are two primary reasons for the Obama administration's opposition to any investigation of Bush administration torturers. In the first place, a serious investigation of torture, extraordinary rendition and the global gulag of prison black sites would implicate not only those who carried out these policies and high-ranking Bush administration officials, but also the Democratic Party and the US media.

The entire American political and media establishment is implicated in criminal methods traditionally associated with fascist and totalitarian regimes.

In the wake of the September 11 terrorist bombings, the media, liberal as well as conservative, spearheaded a campaign to justify the torture of terrorism suspects as a necessary part of the so-called "war on terror." At the time, articles appeared in leading publications such as the *New York Times* and *Washington Post* uncritically presenting intelligence and military officials' defense of torture. The magazine *Newsweek* infamously ran an article entitled "Time to Think About Torture," which argued that "survival might well require old techniques that seemed out of the question."

For their part, Democratic congressional leaders were briefed by Bush officials on the criminal methods being employed, supported them, and provided political cover for the US government's violations of international law. The Military Commissions Act, passed by Congress with significant Democratic support in 2006, sanctioned the legal chimera "enemy combatant," thus denying terrorism suspects recourse to the legal system of any country or to any international body.

The liberal wing of the Democratic Party is steadfastly opposed to criminal investigation of the Bush administration. Senator Patrick Leahy, who postures as a defender of democratic rights, has

proposed a toothless “truth commission,” which would take as its starting point the rejection of criminal prosecution of perpetrators. Such a procedure could have but one purpose—to bury the crimes of the Bush years and “move on.” Even this meager proposal has been abandoned by the Democratic leadership, which proceeds from the standpoint that the less discussion on torture, the better.

Second, Obama seeks to keep at his disposal similar methods as those used by Bush, while effecting a cosmetic change in image. If the administration is opposed to holding accountable those who perpetrated war crimes and violations of both US statutes and international human rights laws, then all of its verbal disavowals of torture and affirmations of “American values” are worthless. It should be recalled that Bush also declared repeatedly that “We do not torture.”

The Panetta memo underscores the essential continuity in Washington’s personnel and policies. Obama has retained leading Bush administration figures who are implicated in all its policies, including the defense secretary, Robert Gates, and the military brass responsible for conducting the brutal colonial wars in Iraq and Afghanistan.

Like all of his attempts to distance his administration from the policies of his predecessor, Obama’s purported closure of the secret prisons is full of loopholes.

Panetta did not say when the secret prisons—which likely exist in Poland, Romania, Jordan, Morocco and Thailand, among other places—would be closed, while claiming that the CIA has not sent any people to the black sites since he took over the CIA’s helm in February.

But since their locations remain classified, it is impossible for third parties, including the ICRC, to investigate Panetta’s assertion that there are currently no suspects in the prisons.

At the same time, Panetta declared that the CIA “retains the authority to detain individuals on a short-term transitory basis.” He did not explain on what evidence a suspect could be detained. Moreover, the reference to “short-term and transitory” imprisonment deliberately leaves open the door for extraordinary rendition, whereby those abducted in the “war on terror” are moved, without access to any legal system, to third countries to be tortured there. Panetta and other

administration officials have all but acknowledged that this practice will continue.

Nor does the closure affect the large prison camps in Iraq and Afghanistan where the US military holds thousands of captives and where some of the worst examples of abuse have taken place.

Obama’s protection of Bush administration officials and his continuation of its basic policies—whatever the change in rhetoric and tone—shows that these illegal and anti-democratic methods are the consensus policies of the US ruling elite.

The liberal and “left” groups that continue to claim that Obama can be pressured into defending democratic rights and enacting social reforms are only serving to cover up Washington’s crimes.

It is not only a matter of justice that those who carried out torture be brought to justice. It is also a political necessity. Unless the crimes of the CIA and military are brought to light, the US ruling elite will eventually use these methods against its political opponents at home as well as abroad.

The inability and refusal of any section of the US political and media establishment to forthrightly oppose torture and the panoply of related police-state methods openly employed in the Bush years testifies to the political and moral collapse of American democracy and the demise of American liberalism.

The only social force that can put an end to such crimes and defend democratic rights is the working class, which must exert its independent political and social interests in a struggle against both parties of the corporate-financial elite and the capitalist system they defend. This struggle must include the demand for a full and public investigation into the crimes of the Bush administration and the criminal prosecution of all those, beginning with Bush himself, who authorized torture, illegal detention, abductions and similar violations of international law.

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