

# Torture memos provoke deepening political crisis

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President Barack Obama's decision to release four Bush administration torture memos, and his promise to protect those who carried out the torture, has created sharp conflicts within the American state. This is highlighted by the increasingly erratic behavior of Obama, who during the affair has sought to balance among competing interests within the state and intelligence apparatus.

Obama has come under sharp attack from the Republican right for releasing the Justice Department memos, which presented a pseudo-legal defense of torture carried out by the Central Intelligence Agency (CIA) on "terror suspects." On Monday, Bush's vice president, Dick Cheney, joined the fray, warning that Obama has jeopardized national security.

At the same time, Obama finds himself in the legally untenable position of promising to protect individuals who ordered and carried out torture in violation of US and international law. This defense has in fact placed Obama himself in violation of the law.

There is, moreover, growing popular outrage within the US and internationally at the hideous crimes carried out in the name of "the war on terror." American imperialism's pretensions to be the standard-bearer of democracy and human rights have been delivered a devastating blow at home and abroad.

After repeated assurances that no CIA agents would face investigation, Obama on Tuesday appeared to open the door to investigations of the Bush administration lawyers who crafted the legal memos sanctioning torture.

Responding to a reporter's question after a White House meeting with King Abdullah of Jordan, Obama said, "If and when there needs to be a further accounting of what took place during this period, I think for Congress to examine ways that it can be done in a bipartisan fashion, outside of the typical hearing process that can sometimes break down and break it entirely along party lines, to the extent that there are independent participants who are above reproach and have credibility, that would probably be a more sensible approach to take.."

While careful to maintain that he is "not suggesting" an investigative commission be set up, Obama's references to "bipartisan fashion" and "outside the typical hearing process" indicate that he might support the creation of the sort of whitewash panel that issued the 9/11 Commission Report.

Any investigation, moreover, would be focused not on top administration officials, but on Justice Department lawyers. On Sunday White House Chief of Staff Rahm Emanuel said "those who devised policy... should not be prosecuted." On Monday, Obama administration officials explained that Emanuel meant that those who ordered the policies carried out should be protected, and not the

attorneys who drew up the policies, including John Yoo, Jay Bybee and Steven Bradbury.

Democratic Senator Dianne Feinstein of California Democrat had earlier written Obama requesting that he not rule out prosecutions until the Senate Intelligence Committee, which she chairs, had conducted an investigation, which she said could last eight months.

Obama's Tuesday remarks were typical of his efforts to balance among competing interests within the state and even his own administration—all while attempting to assume the appearance of a rupture with the past, while in fact leaving the military/intelligence state-within-a-state untouched.

This strategy has so far failed. The memos have only served to raise in the public consciousness the horrors committed by the US in the "war on terror," while Obama's refusal to investigate or prosecute these torturers has made him, in the eyes of millions, an accessory after the fact.

Of more immediate concern to Obama, the memos' release has stirred powerful forces within the intelligence apparatus into opposition. This is what compelled Obama's visit to CIA headquarters in Langley, Virginia, on Monday.

## Obama vows to protect CIA torturers

Media accounts emphasized that Obama's trip to Langley aimed to mollify anger over the administration's decision to release the torture memos. The *New York Times* on Tuesday referred to Obama's effort "to calm the situation" amidst concerns about "alienating the agency."

This testifies to the advanced decay of American democracy. An elected president has released four memos, based on a lawsuit filed under the Freedom of Information Act, which show that CIA agents—employees of the federal government—carried out egregious crimes including torture. Yet the media takes it as par for the course that Obama, who had already promised there would be no investigations, must approach the CIA on bended knee.

There is a general understanding, shared by Obama and the media, that the intelligence and military apparatus will not remain subservient to civilian political leadership if its interests are threatened.

During his Langley speech, Obama was lavish in his praise for the CIA. He called it "a great honor" to speak at Langley, thanking the agents who "protect the American people and the freedom we all cherish." In reality, the CIA has long served as a conspiratorial center against the American people and has carried out countless bloody

crimes the world over.

Obama stressed the prominent role that current and former CIA figures play in his administration, first mentioning his retention of Stephen Kappes from the Bush administration as CIA Director Leon Panetta's "deputy." Kappes, a 30-year CIA veteran, actually runs the agency, while Panetta functions largely as a figurehead.

Further ingratiating himself with his audience, Obama said "we have one of your own, John Brennan" as adviser for counterterrorism and homeland security ... and the extraordinary former CIA officer and director of Central Intelligence, [current Defense Secretary] Bob Gates, who is also part of our Cabinet and every once in a while give me a few tips."

Obama heaped praise on the CIA for several minutes, before briefly pausing to convey the purpose of his visit, telling the assembled agents that his decision to release the memos had nothing to do with principled concerns over torture. "I acted primarily because of the exceptional circumstances that surrounded these memos, particularly the fact that so much of the information was public," he said. "The covert nature of the information had been compromised."

He then reiterated that the administration would protect CIA agents from torture investigations. "I have fought to protect the integrity of classified information in the past, and I will do so in the future," Obama said. "I need everybody to be clear: we will protect your identities and your security as you vigorously pursue your missions."

Separately, Obama held a private meeting with CIA Director Leon Panetta and about 50 agents. There are indications that the meeting was tense. Referring to the private meeting, Obama noted discussions "with senior folks here at Langley in which I think people have expressed understandable anxiety and concern." The *New York Times*, citing an unnamed official, mentioned "complaints" and "pointed questions" during the meeting.

In a statement, American Civil Liberties Director Anthony D. Romero criticized Obama's speech. "Torture is a crime," he wrote. "Without accountability, we cannot truly 'move forward' because the stain of the past will haunt us into the future. No one is above the law. Prosecutions accomplish societal healing by ensuring that criminals pay their debt to society. This is as true for common criminals as it is for government officials who sanction and engage in torture. It is time to begin criminal investigations of officials who authorized torture, lawyers who justified it and interrogators who broke the law."

## The right wing attacks Obama

Compelling Obama's trip to Langley and his paeon to the CIA is opposition from influential quarters close to, or within, the state itself. This opposition has grown in intensity.

On Monday, Cheney appeared on Fox News to oppose Obama's decision. It was an extraordinary appearance. Not only did Cheney denounce a sitting president over intelligence matters—certainly a rarity in modern US history—he suggested that torture ("enhanced interrogation techniques") had been successful and should be continued.

Cheney is only the most prominent figure to join in the attack. Leon Panetta's predecessor at the CIA, Michael Hayden, had sharply criticized Obama on a Sunday morning news show, suggesting that the 9/11 terrorist attacks had taken place because the US did not,

before 2001, torture.

Three other former CIA chiefs and former Attorney General Michael Mukasey also opposed Obama's decision to release the memos, and prominent opinion columns penned by former Bush administration officials appeared in the *Wall Street Journal* on Monday and the *Washington Post* on Tuesday.

These figures—no doubt speaking for powerful elements still active within the military/intelligence apparatus—claim that the methods employed by the CIA prevented another terrorist attack along the lines of 9/11—in other words, that torture works—and that in releasing the memos, Obama has imperiled the US in its "war on terror."

Cheney, as so often in the past, waved the bloody shirt of 9/11. "The biggest task we had as an administration," he said, "was to make certain that that never happened again."

"We put in place certain policies to do that," he added, all but claiming authorship of the torture memos. He spoke of "reports that I read, that I saw, that lay out what we learned through the interrogation process and what the consequences were for the country," suggesting that torture had spared the US another 9/11—the facts of which still remain shrouded in mystery. Cheney claims that he has requested further memos be released to prove these allegations.

In a *Washington Post* column, a former Bush administration speechwriter, Marc Theissen, echoed Hayden in claiming that by revealing details of the CIA torture sessions, "terrorists" would be able to more easily resist interrogators.

"The Obama administration's decision to share this secret with the terrorists threatens our national security," he wrote. "Al Qaeda will use this information and other details in the memos to train its operatives to resist questioning and withhold information on planned attacks."

These sorts of arguments are unlikely to gain much more traction with the broad masses in the US. Rather, they are designed to rally opposition within the military and intelligence apparatus.

The right-wing attack from Hayden, Cheney and others has had the effect of changing the dimensions of the debate. Much of the media is now focused not on whether crimes were committed, but whether the CIA interrogation methods—the media continues to avoid the word "torture"—were in fact useful.

Obama's cringing before the CIA should be taken as a warning. There is no significant commitment within the ruling elite to democratic rights, or even, as the torture memos episode makes abundantly clear, the rule of law.



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