

Obama, Democrats move to block torture investigation

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In the face of mounting opposition from the Republican Party and the national security apparatus, President Obama and leading Democrats have indicated they will block any independent commission to investigate the widespread torture of prisoners under the Bush administration in “the war on terror.”

In meetings with top Congressional Democrats on Wednesday and Thursday, Obama told lawmakers that he would oppose any investigation, including one carried out by an independent commission. This marked yet another shift by Obama, who on Tuesday had indicated that he might accept the creation of a blue ribbon panel along the lines of the 9/11 Commission that investigated—and whitewashed—the events leading up to the terrorist attacks on New York City and Washington, D.C. in 2001.

According to press reports, Obama told Congressional Democrats that any sort of investigation of the torture, which was carried out on the orders of top officials and in blatant violation of domestic and international law, would use up too much time and would likely expand into other areas of Bush administration criminality.

The Congressional Democrats agreed with Obama, announcing that they will await the results of a closed-door investigation being carried out by the Senate Intelligence Committee, which would not be known until “the end of the year” at the earliest, according to Senate Majority Leader Harry Reid. The Democrats hope that by stalling for time, the issue will simply go away.

Even if the Senate committee eventually completes its investigation, “it is actually unclear how much of the panel’s findings will ever be made public,” the *New York Times* points out. Senator Dianne Feinstein of California, who chairs the committee, has indicated that much of the information will remain classified.

On Thursday Reid said he thought it “unwise” to have any sort of investigation “until we find out what the facts are. And I don’t know a better way of getting the facts than through the Intelligence Committee.”

This is deceit. The “facts” are plain enough: the Bush White House approved, organized, and oversaw in minute detail widespread and systematic torture. A serious investigation would likely turn up further evidence, some of it horrific, proving these facts.

Elements within the Democratic Party have expressed disagreement with Reid’s and Obama’s plan of doing nothing, fearing the resulting damage to the Obama administration should it

serve, in essence, as an accomplice to torture after the fact. The party’s liberal wing, including House Speaker Nancy Pelosi and Senator Patrick Leahy, favor the formation of a 9/11-style commission.

Speaking on Thursday, Pelosi said that she would prefer a “truth commission.” But she indicated that this would be predicated on granting legal immunity to those who would testify. In other words, there is a general agreement across the political spectrum that there can be no real punishment for those who ordered and carried out torture.

The *Washington Post* in a lead editorial Friday also argued for the necessity of such a commission. While warning against “cycles of revenge and criminal investigation” and suggesting that the military and the CIA would be unable to “focus on defending the country” in the face of potential legal action, the paper nonetheless concludes that such an investigation is inevitable and necessary. A presidential commission, the *Post* argues, is required to “earn more respect here and abroad” for an eventual granting of amnesty to all those involved in ordering and executing the torture program.

Obama, however, continues to avoid offering a serious rationale for why torture should not be investigated, preferring to offer up banalities about the need to “move on,” “look forward,” and avoid “retribution.”

The near universal agreement within the political establishment on clemency for the criminals of the Bush administration—including not only CIA torturers but President Bush, Vice President Cheney, Condoleezza Rice and other members of the Bush cabinet—reveals the rank hypocrisy of the “justice system” in the US.

The US has the highest rate of incarceration in the world—well over 7 million people are caught up in its prison system. This is a country that regularly imprisons juveniles, and it is the only major western state that retains the barbaric death penalty. Bush himself showed no clemency when he served as governor of Texas, sending 131 people to their deaths. None of them were spared on the principle of avoiding “retribution” or because of the need to “look forward.”

The Republicans and figures representing the military-intelligence complex have been clearly emboldened by Obama’s waffling and retreat. In their bitter opposition to even a whitewash commission—which would take as its primary task to absolve all guilty parties—there is an element of madness. Like its Wall Street doppelganger in the finance industry, the military-intelligence

apparatus will brook no challenge to its power, even of the symbolic variety.

Indeed, Obama's efforts to quell the crisis and "move on" have so far failed. In his initial decision to make public the Bush torture memos, Obama hoped that by pairing their release with a pledge that there would be no legal consequences for those who ordered and carried out torture, he could quell divisions within his administration and placate the national security agencies and the military.

The administration clearly underestimated the fallout that would result. In the face of popular revulsion over crimes committed in "the war on terror," on the one hand, and bitter recriminations from the Republicans and figures in or close to the CIA and the Pentagon on the other, Obama has increasingly bowed to the latter.

But in spite of Obama's efforts, it is evident that the torture will not fade away. On Thursday, the American Civil Liberties Union (ACLU) announced that the US Defense Department will release by May 28 a "substantial number" of photographs depicting US military personnel torturing prisoners in Iraq and Afghanistan.

The ACLU filed a Freedom of Information Act request in 2003 for the photos to be made public. In September of 2008, the US Court of Appeals for the 2nd Circuit ruled that the photos must be released. In March, 2009, it rebuffed the Bush administration's request—filed before the election of Obama—that it rehear the case.

According to the ACLU, the photos will demonstrate that torture took place in Iraq and Afghanistan at a number of military prisons and detention sites.

"These photographs provide visual proof that prisoner abuse by US personnel was not aberrational but widespread, reaching far beyond the walls of Abu Ghraib," a staff attorney for the ACLU said. "Their disclosure is critical for helping the public understand the scope and scale of prisoner abuse as well as for holding senior officials accountable for authorizing or permitting such abuse."

"The disclosure of these photographs serves as a further reminder that abuse of prisoners in US-administered detention centers was systemic," added Jameel Jaffer, the director of the ACLU's National Security Project.

There are three reasons why the Democrats wish to bury the torture crisis and "move on."

First, there is clearly a general understanding within the Obama administration and the Democratic congressional leadership that they govern largely at the pleasure of the national security apparatus. The Republicans have used the torture crisis to openly appeal to elements in this state-within-a-state. This explains the abject cowardice of the Democrats, who control the presidency and Congress, before the Republicans—a wildly unpopular party.

Second, the Obama administration and the Democratic Congressional leadership are themselves complicit in torture. A number of Obama administration officials, including the defense secretary, Robert Gates, are holdovers from the Bush administration. The CIA and the top military leadership have been changed only at the margins.

The right-wing is not shy about pointing out the Democrats' complicity. Responding to Pelosi's call for a "truth commission," Republican House Minority Leader John Boehner pointed out, mockingly, that "there's nothing here that should surprise her."

Boehner was referring to the fact that Pelosi, as a member of the so-called "gang of four" top Congressional intelligence leaders, was repeatedly briefed about, and very likely approved, methods of torture, including waterboarding. Pelosi incredulously claims that, while she knew of the methods, she did not believe they were being put into practice.

This complicity extended to "most of the political and media establishment," which "looked the other way," Paul Krugman notes in his *New York Times* column Friday. There are those, he writes, who "would rather not revisit those years because they don't want to be reminded of their own sins of omission. ... [S]ome of the people who should have spoken out against what was happening, but didn't, now declare that we should forget the whole era — for the sake of the country, of course."

Third, the torture crisis makes clear that Obama is not interested in completely repudiating torture or any of the other police state measures adopted in the Bush years. When these criminal methods were introduced in the wake of 9/11, they were widely welcomed by the media, with the Democrats always providing the necessary political cover.

Now in power, the Democrats have no intention of dissolving the panoply of anti-democratic measures enacted by the Bush administration in the "war on terror." Indeed, the Obama Justice Department has gone into court repeatedly in an attempt to quash legal challenges to torture, extraordinary rendition and illegal domestic spying.

The Democrats' refusal to investigate the torture carried out under Bush shows that there is no significant constituency for either democracy or the rule of law within the ruling elite.



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