

# Obama's Abu Ghraib solution

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In the spring of 2004, the entire world recoiled in horror and disgust at the photographs that emerged from Abu Ghraib, the US prison in Iraq.

There was the ghostly image of a terrified Iraqi detainee draped in a hood and standing on a box with electrodes attached to his fingers. Photos showed men being beaten, attacked by dogs, dragged by leashes, shackled in “stress” positions, piled naked upon each other and subjected to perverse sexual humiliation.

Grinning US soldiers were pictured giving the thumbs-up sign over the corpse of a murdered detainee. All of these images served to expose the colonial-style war waged by US imperialism in Iraq.

Ample evidence emerged that not only had these heinous acts been promoted and applauded by senior commanders in Iraq, but that the methods employed had been crafted by the Pentagon and US intelligence agencies, and the use of torture had been sanctioned by the White House itself.

To protect the Bush administration and its leading figures from the consequences of their crimes, the Bush White House and the Pentagon—with the collaboration of the Democratic Party and the media—fashioned an alibi. They presented the horrors exposed at Abu Ghraib as the work of “rogue” elements, a few “bad apples,” whose actions in no way reflected on the occupation of Iraq or what was supposedly an otherwise lawful system of detention and interrogation.

In the end, a handful of junior enlisted personnel and reservists, who no doubt deserved punishment for their acts of brutality, were prosecuted. The sole reason they were “brought to justice,” however, was to cover up the far greater crimes at the highest levels of the Bush administration and the military, where the use of torture was initiated and authorized.

Five years later, the Bush administration is history, and a Democratic president has taken office, verbally repudiating torture and promising “transparency.”

Nonetheless, according to published reports, President

Barack Obama and his attorney general, Eric Holder, are dusting off the Abu Ghraib tactic of prosecuting a few supposed “bad apples” at the bottom of the chain of command in order to whitewash the far more serious crimes committed by those at the top.

According to Justice Department officials quoted in the *Los Angeles Times* last weekend, Attorney General Holder has determined that his agency cannot avoid carrying out some form of probe into the CIA’s use of torture. The pressure for such an investigation is expected to grow later this month with the court-ordered release of a CIA inspector general’s report

The *Los Angeles Times* quotes one unnamed senior Justice Department official who revealed that the investigation planned by Holder would be “narrow” in scope, limited to “whether people went beyond the techniques” spelled out in memos issued by the Bush administration authorizing torture.

According to the report in the *Times*, one focus of the probe will likely be CIA interrogators who were guilty of “waterboarding of prisoners far in excess of Justice Department guidelines.”

Holder is, according to this report, basing himself on one of the so-called torture memos drafted by his predecessors at the Justice Department, which cautioned in relation to waterboarding that “repetition will not be substantial because the techniques generally lose their effectiveness after several repetitions.”

The *Times* suggests that among the cases to be investigated on this basis are those involving Abu Zubaydah, who was waterboarded at least 83 times in August of 2002, and Khalid Sheikh Mohammed, who was subjected to this form of torture 183 times in March of that year.

The torture of both Zubaydah and Sheikh Mohammed was hardly the work of “rogue” interrogators. It was directed and followed in minute detail by the leading figures in the Bush administration, including Vice President Dick Cheney, then-National Security Advisor Condoleezza Rice, Defense Secretary Donald Rumsfeld,

CIA Director George Tenet, Attorney General John Ashcroft, and others. Bush acknowledged that he was well aware of their work and fully approved of it.

One of the reasons for the “excessive” use of this torture was the intense desire of the Bush administration to extract from the detainees confessions to non-existent ties between Al Qaeda and Saddam Hussein, so that they could be exploited as propaganda for the planned aggression against Iraq.

The likelihood of a successful prosecution on this basis is exceedingly slim. The Justice Department memo limiting waterboarding is vague in the extreme and suggests avoiding over-repetition more as a matter of efficacy than policy. It is also unclear whether CIA interrogators were ever informed of the memo, which was in any case drafted after the fact to provide a pseudo-legal cover for torture methods already in use.

Moreover, there were other findings that gave a green light to torture. The administration’s definition of thousands of detainees as “enemy combatants,” with no rights under the Geneva Conventions, was drafted to facilitate torture. Other rulings claimed unfettered power for the president as the commander in chief in the “war on terrorism,” allowing him to override any legal restrictions, including proscriptions against torture.

As the head of the Justice Department’s Office of Legal Counsel under the Bush administration, Jack Goldsmith wrote, “If you do torture, you probably have a defense; and even if you don’t have a defense, the torture law doesn’t apply if you act under the color of presidential authority.”

The underlying conception of Holder’s proposed probe—“torture is permitted, but only within the law”—is worthy only of contempt. Its ultimate effect would be to exonerate those who approved torture in the first place. In effect, it would provide tacit support to their contention that the methods they sanctioned—from waterboarding, to hanging people in shackles, to sealing them in boxes with insects—didn’t really constitute torture at all.

Whether any such probe will get off the ground, much less result in criminal indictments remains to be seen. There are intense divisions over the matter within the state apparatus, with the military and intelligence agencies deeply hostile to any more revelations or investigations, and increasingly making their objections known. They have already floated the argument that investigating CIA personnel for “excessive” torture will inhibit the agency, thereby jeopardizing national security and strengthening terrorism.

This latest stratagem for dealing with the systematic torture carried out under the Bush White House confirms the essential role of the Obama administration in covering up these crimes while continuing the basic policies that gave rise to them.

This is in line with the behavior of the Democratic Party over the previous eight years, in which it provided support for the continuing wars of aggression and police state measures begun under the Bush administration, out of which the use of torture emerged. Leading congressional Democrats, including House Speaker Nancy Pelosi, were informed of the use of torture and lent their support, while concealing these crimes from the American people.

Those responsible for the policies of torture and illegal war must be investigated and brought to trial. This includes Bush, Cheney, Rice, Rumsfeld, Tenet, Ashcroft and others. Likewise, those who crafted the pseudo-legal justifications for torture—including former Attorney General Alberto Gonzales, Cheney’s chief of staff, David Addington, and ex-Justice Department Deputy Assistant Secretary John Yoo—must be prosecuted.

Such trials are vitally necessary to prevent the repeat of these crimes internationally and, under conditions of growing social crisis and increasing class struggle, the use of these same methods against working people in the United States itself.

Holding accountable those responsible for these crimes is a political task posed to the American working class. It can be achieved only on the basis of the independent political mobilization of working people in opposition to the Obama administration and both parties of the ruling establishment and the capitalist system which is the root cause of war and repression.

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