

Obama administration shields CIA torturers

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In response to a public campaign by the CIA, the Obama administration has decided to further scale back an already narrow investigation of Central Intelligence Agency (CIA) torture during the Bush years that was announced last month by Attorney General Eric Holder.

In announcing the probe, Holder had made clear that it would be limited to CIA agents whose torture of alleged terrorists went beyond the bounds laid down by Bush administration directives. It would target neither the Justice Department lawyers who drew up findings providing a pseudo-legal justification for waterboarding, hanging prisoners from walls, placing them in boxes for hours on end, and similar crimes, nor the top Bush administration officials who ordered and oversaw such practices.

The CIA—including the current director and Obama appointee, Leon Panetta—and former Bush administration officials, led by former Vice President Dick Cheney, have denounced Holder's token probe, claiming that it will hamstring US intelligence operations and give aid and comfort to the terrorists.

On Friday, seven former CIA directors sent a letter to President Obama demanding that he quash the Holder inquiry. Signing the letter were directors under both Democratic and Republican administrations: Michael Hayden, Porter Goss, George Tenet, John Deutch, R. James Woolsey, William Webster and James R. Schlesinger.

The next day, the *Washington Post*, in an article headlined "Inquiry into CIA Practices Narrows," cited two unnamed sources as saying Holder's investigation will "focus on a very small number of cases..." The *Post* went on to report that only "two or three" cases would be investigated out of dozens of examples of torture cited in a declassified Bush-era CIA inspector general's report, which the Obama administration released last month on court order and in heavily

redacted form.

Under consideration for investigation, according to the *Post*, are three cases in which prisoners were murdered while in US custody: the suffocation of Iraqi General Abed Hamed Mowhoush in November 2003; the killing the same month of Manadel al Jamadi, who was beaten by Navy Seals and died after a CIA agent ordered him hung from bars by his arms; and the murder seven years ago of a young man at a secret Afghanistan prison known as the "Salt Pit." The youth, who had been abducted from Pakistan, was beaten and then chained to a concrete floor without blankets, where he froze to death.

The letter sent by the former CIA directors is an unabashed defense of torture and a public warning to the Obama administration. "Attorney General Holder's decision to re-open the criminal investigations creates an atmosphere of continuous jeopardy for those whose cases the Department of Justice had previously declined to prosecute," the letter declares.

It continues: "Those men and women who undertake difficult intelligence assignments in the aftermath of an attack such as September 11 must believe there is permanence in the legal rules that govern their actions. They must be free, as the chairman of the Senate Homeland Security Committee, Senator Lieberman, has put it: 'to do their dangerous and critical jobs without worrying that years from now a future attorney general will authorize a criminal investigation of them for behavior that a previous attorney general concluded was authorized and legal.'"

In fact, Holder has already announced an amnesty for those "men and women" who inflicted torture on detainees in line with Bush administration guidelines, citing similar grounds for shielding these torturers as

those propounded by the former CIA directors and other defenders of torture as an instrument of US policy. In announcing the appointment of special prosecutor John Durham, Holder indicated he would limit the investigation to about a dozen so-called “rogue agents” who superseded the Bush administration’s written guidelines allowing torture.

If Obama refuses to give assurances against criminal investigations, the CIA directors’ letter continues, he “will seriously damage the willingness of many other intelligence officers to take risks to protect the country. The administration must be mindful that public disclosure about past intelligence operations can only help Al Qaeda elude US intelligence and plan future operations.”

Since the end of 2001, the US has imprisoned tens of thousands of people at such infamous prisons as Abu Ghraib, Bagram and Guantánamo, in addition to an unknown number of secret CIA jails in Iraq, Afghanistan, Eastern Europe and elsewhere. These prisoners have been denied legal recourse to challenge their detention, as the Bush and Obama administrations have asserted that “the war on terror” is governed neither by domestic US laws nor by the Geneva Conventions and other international laws banning torture.

Among the documented forms of torture carried out by US agents are murder, rape and other forms of sexual abuse and humiliation; threats to murder and rape family members of prisoners; beatings, waterboarding, exposure to extreme temperatures, high-pain “stress” positions, forced nudity, deprivation of food, extreme isolation and mock executions.

From the outset, Holder’s investigation was designed to protect the operations of the CIA and military in Iraq, Afghanistan and elsewhere while, for public relations purposes, providing a show of opposition to torture.

To date, not a single CIA agent has been convicted of a crime relating to the abuse of prisoners. The CIA agent who oversaw the freezing death of the young detainee at the Salt Pit in Afghanistan—it was “one of his first big assignments” the *Post* notes—was later promoted by the CIA.

The defense of basic democratic rights requires that there be a thorough and public criminal investigation of the torture regime built up during the Bush administration, including the role of Vice President Cheney and President Bush himself.

Obama is opposed to any such investigation. In response to a question from CBS’s Bob Schieffer during his appearance on Sunday’s “Face the Nation” program, Obama reiterated his stock formula for opposing a serious investigation, saying, “I want to look forward and not backward when it comes to some of the problems that occurred under the previous administration, or when it came to interrogations.”

“I don’t want witch-hunts taking place,” he added.

The Obama administration’s protection of Bush administration torturers demonstrates that it is an accomplice to the crime after the fact. It is one more example of the continuity of Obama’s policies, notwithstanding his election campaign rhetoric about “change,” with those of his predecessor. It must be taken as a warning that the CIA and the military under Obama are carrying out similar crimes as those which took place under Bush.

The power of the military-intelligence apparatus has grown continually since World War II, to the point where it constitutes a virtual “state-within-a-state” largely unaccountable to and independent of elected civilian officials. The public campaign of the CIA to block a criminal investigation ordered by the government demonstrates the growing assertiveness of this apparatus. The cowering of the Obama administration and Congress before it underscores the decay of American democracy and the growing threat to the democratic rights of the American people.

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