

The New York Times calls for torture prosecutions

Patrick Martin, David North
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The editorial published Monday in the *New York Times*, headlined “Prosecute Torturers and Their Bosses,” marks a new stage in the political crisis triggered by the publication of the Senate Intelligence Committee’s report on torture authorized by the Bush administration.

The language of the editorial, beginning with the headline, is remarkably blunt in condemning the torture carried out in CIA secret prisons under the Bush administration. A key section reads:

Americans have known about many of these acts for years, but the 524-page executive summary of the Senate Intelligence Committee’s report erases any lingering doubt about their depravity and illegality. In addition to new revelations of sadistic tactics like “rectal feeding,” scores of detainees were waterboarded, hung by their wrists, confined in coffins, sleep-deprived, threatened with death or brutally beaten. In November 2002, one detainee who was chained to a concrete floor died of “suspected hypothermia.”

These are, simply, crimes. They are prohibited by federal law, which defines torture as the intentional infliction of “severe physical or mental pain or suffering.” They are also banned by the Convention Against Torture, the international treaty that the United States ratified in 1994 and that requires prosecution of any acts of torture.

In effect, the most influential newspaper in the United States has declared that the Bush administration was a criminal government.

The *Times* writes that “any credible investigation should include former Vice President Dick Cheney; Mr. Cheney’s chief of staff, David Addington; the former CIA director George Tenet; and John Yoo and Jay Bybee,

the Office of Legal Counsel lawyers who drafted what became known as the torture memos.”

The editorial does not name President George W. Bush as one of those who should stand in the dock and face judgment, but the logic is inescapable. Bush is the highest-ranking of the torture “bosses.” Cheney himself has declared publicly that Bush was fully informed of the CIA activities detailed in the Senate report.

How is this editorial to be explained? The publisher and editors of the *New York Times* are not political innocents, and there is nothing in the Senate report of which they were previously unaware. In fact, the *Times* played a significant role in suppressing reports of torture and other criminal acts of the Bush administration.

If the *Times* is now calling for criminal prosecution of leading figures in that administration, it is because (1) its editors know that the crimes documented in the Senate report are only a fraction of the criminal and anti-constitutional activities of the Bush administration; (2) they fear that the flagrant violations of law have gravely undermined the legitimacy of American foreign policy and weakened Washington’s world position; and (3) they are deeply concerned that the reckless trampling on constitutional and democratic norms poses potentially fatal consequences for the stability and political legitimacy of the social order on which their wealth and privileges depend.

For more than three decades, since the Carter administration, successive US governments have made the defense of human rights the principal justification for American foreign policy all over the world. This was always a fraud, as Washington maintained the closest relations with brutal right-wing dictatorships—Iran under the Shah, Saudi Arabia, Egypt under Mubarak, Indonesia under Suharto, numerous death squad regimes in Latin America—which served its interests during the Cold War and after. However, the activities exposed in the Senate

report go far beyond the bounds of mere hypocrisy.

The CIA torture revelations establish that the US government has flagrantly violated international law, including the Geneva Conventions, adopted in the wake of the Nuremberg Tribunal and the revelations of Nazi barbarism. This exposure reverberates throughout the world in an increasingly complex and conflicted geopolitical situation. Washington confronts not only its longstanding enmity with China and Russia, but also mounting tensions with a German-dominated Europe and increasing assertiveness from Japan and rising powers such as India and Brazil.

The public defiance of constitutional principles has even more dangerous consequences domestically, as it undermines the political foundations on which bourgeois rule in the United States has developed over 200 years. The US Constitution is the basis for a vast body of law and the state apparatus that guarantees the property and wealth of the ruling elite.

Those sections of the ruling class represented by the *Times* are concerned that the wholesale break with constitutional legality, carried out by the Bush administration and continued and deepened by the Obama administration, now threatens the political stability of the United States.

Moreover, one can reasonably assume that the *Times* has decided to name names not only because of the past involvement of these officials in torture. The focus on Cheney strongly indicates a high degree of concern within sections of the ruling elite that the former vice president remains a central figure in a powerful cabal—involving elements in the military and the intelligence agencies—that continues to operate a “secret government” working relentlessly for the imposition of some sort of authoritarian dictatorship within the United States.

Whatever the precise motives and calculations that have led to the publication of the editorial, there can be no doubt that a bitter political conflict is raging within the ruling elite.

In demanding the prosecution of torturers and their bosses in the Bush administration, the *Times* has opened the mother of all Pandora’s boxes. If indictments were to be handed down, it is hardly likely that the Obama administration would emerge from the ensuing legal process and political bloodbath unscathed. If torturing prisoners is a crime, then assassinating thousands with drone missiles is an even greater crime.

Neither the *Times* nor, for that matter, the sections of the ruling elite for whom it speaks, want this crisis to spiral

out of control. Above all, they fear any genuine mass popular intervention in the ongoing political crisis.

But there is no other way democratic rights can be defended. In the final analysis, the dispute within the ruling elite is over tactics. To the extent that the conflict remains limited to this elite, however, the result will not be a more democratic outcome, but ever more flagrant breaks with democratic procedures and the complete subordination of democratic rights to the police-military-intelligence apparatus, leading ultimately to some form of direct military-police dictatorship.

The task of the working class is not to align itself with any of the factions of the ruling elite, but to intervene independently, recognizing that the attacks on democratic rights are driven by the decay and crisis of the global capitalist system. An economic order based on ever-rising economic inequality—the partition of society between a tiny minority of super-rich at the top and the vast mass of the population struggling to survive—cannot sustain democratic forms of rule.

The working class must take up the demand for the prosecution of all those responsible for the atrocities documented in the Senate report, and those responsible for the crimes of American imperialism that have continued and even escalated since the CIA “black sites” were shut down. This means not only the former leaders of the Bush-Cheney administration, but today’s top officials of the military-intelligence apparatus, such as CIA Director John Brennan (himself part of the torture apparatus under Bush), the NSA spymasters, and the war criminals in the Pentagon and the Obama White House.



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