Obama administration continues to suppress report on CIA torture

Tom Carter
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A November 5 letter from Democratic Senators Dianne Feinstein and Patrick Leahy highlights the ongoing efforts by the Obama administration to suppress the Senate Intelligence Committee's December 2014 report on the Central Intelligence Agency's torture program.

The full 6,700-page report has not been made public, but a heavily-redacted 525-page executive summary was released in December of last year. That summary proved beyond a shadow of doubt that the CIA had systematically perpetrated war crimes, including the most disturbing and sadistic forms of torture. An incomplete list of CIA crimes includes forced nudity, exposure to extreme temperatures, shackling in "stress positions," force-feeding, beatings, waterboarding, mock executions, the use of cordless drills, sexual abuse and humiliation, the infamous practice of "rectal feeding" (i.e., rape), and murder.

The Senate report also revealed systematic lying by the CIA and its accomplices throughout the program and after. The CIA lied about what forms of torture were being employed, and the CIA also lied about the "results" of the torture.

Contrary to the pro-torture narrative contained in films like *Zero Dark Thirty*, the Senate report proved that as a factual matter the CIA torture program never resulted in the discovery of any meaningful information from an intelligence standpoint. (This fact does not make the program any more or less criminal, but it is what a future war crimes tribunal might call an "aggravating factor," since it makes all of the remorseless brutality and sexual sadism associated with the program that much more cold-blooded and wanton.)

Almost a year has passed since the exposure of these heinous war crimes, but nobody has been prosecuted, from the torturers themselves to the top officials who orchestrated the program and helped to cover it up. Instead, all of the criminal co-conspirators and their accomplices remain comfortably ensconced in their respective offices and mansions in and around Washington.

CIA Director John Brennan has felt secure enough to publicly denounce the report, claiming last month that the report contains "many, many mischaracterizations," and that it "did not take into account the tremendous sacrifice and service of some CIA officers in keeping this country safe."

Rather than prosecute criminals like Brennan, the political establishment, with the aid of the media, has done its best to bury the Senate report. Torture is conspicuously avoided as a topic of official discussion, and virtual silence is being observed as the one-year anniversary of the report's release approaches. None of the current presidential candidates from either big business party, from Bernie Sanders to Donald Trump, is actively calling for the release of the full report or the prosecution of the criminals involved.

The full 6,700-page report doubtless names names, including many of those individuals who continue to hold high posts in the Obama administration. One suspects that for this reason, the Obama administration is doubly anxious to hide the report.

Before the report was released last December, the Obama administration worked tirelessly to obstruct the report's release, including the executive summary, helping to delay its publication for nearly two years. On the eve of the release of the redacted executive summary, Secretary of State John Kerry called Senate Intelligence Committee chair Dianne Feinstein to urge her to "reconsider" releasing any part of the report.

Following the publication of the report, the Obama administration has continued with deliberate efforts to suppress it, including by vigorously opposing a transparency lawsuit by the American Civil Liberties Union (ACLU), which is seeking to have the entire report

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released under the Freedom of Information Act (FOIA).

The Obama administration has taken the position in the ACLU lawsuit that the Senate report constitutes a "Congressional record," and as such is not subject to the Freedom of Information Act. After the report was prepared, the Senate sent copies to senior officials in the Obama administration. To maintain the legal fiction that the report is a "Congressional record," the Obama administration has instructed its personnel not to open the report and to keep the discs containing the report in sealed envelopes.

According to a recent report in the *New York Times*, the Federal Bureau of Investigation (FBI) has not retrieved its copy of the report from a Department of Justice safe. Meanwhile, the State Department has marked its copy "Congressional Record — Do Not Open, Do Not Access." The Department of Justice has instructed all of its employees not to read the report.

The new chair of the Senate Intelligence Committee, Republican Richard M. Burr of North Carolina, is openly calling for the complete suppression of the report. He has requested that the Obama administration return every existing copy and has labeled the report "a footnote in history."

In their November 5 letter, Feinstein and Leahy complain that they are "gravely disappointed" by the Obama administration's efforts to suppress the report. They urge "appropriately cleared officials" to read the report: "Study and consider the lessons that can be learned from it."

"We hope you agree that the legacy of this historic report cannot be buried in the back of a handful of Executive Branch safes, never to be reviewed by those who most need to learn from it," they wrote.

Feinstein is no champion of democratic rights, nor is she a principled opponent of government criminality.

In 2013, Feinstein called Edward Snowden's exposure of government crimes an "act of treason," and she has been especially vocal in denouncing and smearing the National Security Agency whistleblower. On Saturday, Feinstein called for more "direct" American military interventions in Syria and Iraq, denouncing "limited air strikes and support for Iraqi forces and the Syrian opposition" as "not sufficient to protect our country and our allies."

Nevertheless, Feinstein's letter reflects bitter and ongoing internal divisions over the CIA torture report. Indeed, the investigation behind the report provoked one of the most significant constitutional crises in recent memory.

During the investigation, the CIA destroyed evidence and took the position it could keep its activities secret from the very committee charged with overseeing it. This raised the question–if the Senate Intelligence Committee is not entitled to know what the CIA is doing, then who is?

In March of 2014, the CIA had spied Senate Intelligence Committee personnel during the investigation. Specifically, the CIA hacked into the staffers' computers and attempted to delete incriminating files. Following this brazenly criminal conduct, CIA chief John Brennan provocatively called for the prosecution of Senate staffers who had obtained the incriminating documents.

The CIA backed down only after Feinstein took to the floor of the Senate with an extraordinary speech, calling the CIA's position a threat to the basic constitutional framework and the separation of powers. Feinstein accused the CIA of violating "the Fourth Amendment [which prohibits warrantless searches], the Computer Fraud and Abuse Act, as well as Executive Order 12333, which prohibits the CIA from conducting domestic searches or surveillance." However, after the Justice Department declined to prosecute anyone on either side of the dispute, Feinstein more or less dropped the issue. (See: "The CIA spying scandal and the disintegration of American democracy")

The Obama administration's ongoing efforts to suppress the report on CIA torture—effectively a cover-up of the CIA's original cover-up of the torture program—are profoundly revealing.

From CIA war criminals to NSA spies, and from killer cops to financial speculators and corporate crooks, the ruling class and its agents operate outside the law. While savage punishments are handed down to working class youth for the pettiest infractions, the criminals at the top can literally get away with murder. The basic machinery of a democracy in America has completely short-circuited and ground to a halt.

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