

The Torture Memos

Alan Goodman

In announcing the release of the torture memos, Barack Obama said he was doing so because :

“First, the interrogation techniques described in these memos have already been widely reported. Second, the previous Administration publicly acknowledged portions of the program—and some of the practices—associated with these memos. Third, I have already ended the techniques described in the memos through an Executive Order. Therefore, withholding these memos would only serve to deny facts that have been in the public domain for some time. This could contribute to an inaccurate accounting of the past, and fuel erroneous and inflammatory assumptions about actions taken by the United States.”

Most significantly, he said, “In releasing these memos, it is our intention to assure those who carried out their duties relying in good faith upon legal advice from the Department of Justice that they will not be subject to prosecution.”

Why is Barack Obama insisting on not prosecuting those who carried out, or ordered these crimes?

First, Obama’s promise not to prosecute means protecting the CIA and other operatives of US administration, letting them know that they are needed to carry out their crimes and need not—indeed, must not—fear that anyone is looking over their shoulder when they do them. It is very significant that the day that the torture memos were released Obama gave a speech at the CIA headquarters. What did he say? Did he say that torture was a crime, and these things must never be done again?

No.

He opened his speech by saying, “It is a great honor to be here with the men and women of the CIA. I’ve been eager to come out here to Langley for some time so I can deliver a simple message to you in person on behalf of the American people: Thank you. Thank you for all the work that you do to protect the American people and the freedom that we all cherish.”

And after explaining that he was compelled to release the torture memos because of court rulings, and because he felt it was expedient to do so, he said, “Don’t be discouraged that we have to acknowledge potentially we’ve made some mistakes. That’s how we learn. But the fact that we are willing to acknowledge them and then move forward, that is precisely why I am proud to be President of the United States, and that’s why you should be proud to be members of the CIA.”

In releasing the torture memos, Obama was playing “good cop” in a way that Bush did not. He is working to shore up the US’s “image” around the world, to maneuver in the battle for public opinion against reactionary Islamic fundamentalist forces who the entire US ruling class sees as untenable obstacles to its interests in the Middle East and beyond.

But with the “good cop” routine goes the real deal—the “bad cop,” and Obama can be that too. In the movie *The Godfather* Michael Corleone made a civilized and pious appearance at the christening of his nephew, while outside the church, his thugs gunned down his rivals. In a similar fashion, as Obama talks about upholding “our values and our ideals even when it’s hard, not just

when it's easy; even when we are afraid and under threat," he simultaneously ordered death from the sky in Pakistan via CIA drone planes.

There is another reason why Obama will not prosecute the perpetrators of torture. In a column in the *New York Times* ("A Torturous Compromise," 4/28/09), Thomas Friedman writes that "justice taken to its logical end here would likely require bringing George W Bush, Donald Rumsfeld and other senior officials to trial, which would rip our country apart..."

Indeed it could.

There are real, and potentially volatile divisions in the US ruling class over even releasing the torture memos. Former Vice President Dick Cheney has been all over the news basically warning that Obama is opening up the US to another 9/11 or worse. Polls show that "evangelical Christians"—most of whom form a critical social base for the former Bush regime, are the most supportive section of people for using torture. The ruling class forces grouped around Bush, though out of office at the moment, remain unrepentant and powerful, as expressed for example in the wide promotion of Cheney on the major networks—unusual to say the least for an extremely unpopular ex-Vice President.

And there is another dimension to Friedman's warning that prosecution would "rip apart our country." Millions and millions of people were outraged by the crimes of the Bush regime, including the open, crude sanctioning of torture. It is one thing to placate these people with a new president who, under court order, releases a few memos documenting how the former administration endorsed torture. It is quite another to pursue criminal prosecution of those who broke the law in the Bush regime. Such a prosecution could open the door to what is called a "legitimacy crisis," a moment when the legitimacy of the ruling order is called into question, when substantial sections of people come to see that ruling order as illegitimate.

A criminal investigation would also have the potential to reveal the active involvement of leading Democratic Party forces in the open sanctioning of torture. For example, the CIA—for their own purposes—recently released a statement revealing that the Democratic Party House of Representatives leader, Nancy Pelosi, was briefed on everything they were doing, and signed onto the program. That finger-pointing gives a hint of the kind of infighting among the ruling class that could erupt if a criminal investigation got off the ground.

In short, the entire ruling class of America, including Barack Obama, is concerned that if pursued, criminal prosecution of those who committed and orchestrated torture could provoke widespread questioning of not just how the US defends its empire, but open the door to people coming to see that this is an empire—one far bloodier than that of ancient Rome. □

[Source : *Revolution*, Chicago, USA]