

Congress Must Take Up Torture Probe

by Edward Spannaus

As more and more evidence accumulates, demonstrating that the atrocities at Abu Ghraib grew directly out of policies coming from the highest levels of the Bush Administration and civilians in the Pentagon, it is clear that the responsibility for getting to the truth of the matter, must be taken on by the Congress. But, given the partisan character of any Congressional investigation, especially in this pre-election period, many observers and legal experts believe that the only means of getting to the heart of what happened and who is responsible, would be through a Congressionally created independent commission, with full subpoena power.

In statements in late August, Sen. Patrick Leahy (D-Vt.), for example, called for the creation of an independent commission as the only means “to get the full truth,” and “to pick up the trail in Washington and follow it wherever it leads.”

The President of the American Bar Association (ABA), Robert Grey, echoing a resolution adopted by the full association in August, has also called for the appointment of an independent bipartisan commission, “to conduct a systemic investigation of the conditions that made possible the abuses at Abu Ghraib.”

In a clear reference to Administration memoranda which urged rejecting the application of the Geneva Conventions and other treaties in Afghanistan, Grey pointed out that our nation’s “moral authority is weakened when it appears that the U.S. has a disregard for international agreements. . . . Our government must not seek clever ways to evade these agreements.”

Grey said that the ABA is concerned with the Administration’s approval of harsh questioning techniques for use at Guantanamo Bay, Cuba, with at least one effort (approved personally by Defense Secretary Donald Rumsfeld) to hide a prisoner from the International Red Cross, with secret detention operations, and with the series of legal memos prepared by high-ranking Administration lawyers that “appeared designed to provide a legal basis for conduct that violates international norms.”

Culpability at the Top

As we reported in the previous issue of *EIR*, both the recently issued Schlesinger Report and the Army’s Fay-Jones Report, document the direct path from the Administration’s decision to reject the application of the Geneva Conventions on the treatment of prisoners of war in Afghanistan, to the

torture and abuses at Abu Ghraib and other facilities in Iraq. There can no longer be any doubt that the culpability for Abu Ghraib runs right to the top, and cannot be sloughed off on a handful, or even a couple of dozen, of lower-ranking soldiers and officers.

That decision to reject the application of the Geneva Conventions—pushed particularly hard by John Ashcroft’s Justice Department, and by David Addington, the Counsel to Vice President Dick Cheney—was always tied to the question of torture and the treatment of prisoners. One of the arguments pushed upon the President by the Justice Department and by Addington (whose arguments were incorporated in a Jan. 25, 2002 memo submitted to Bush under the name of Counsel to the President Alberto Gonzales), was the need “to quickly obtain information from captured terrorists,” and the danger that Administration officials could be prosecuted for war crimes.

The Fay-Jones Report, and the Schlesinger Report both show how these policies, and the use of interrogation techniques discussed in later Justice and Defense Department memos, “migrated” into Iraq, despite the official policy—more observed in the breach—that the Geneva Conventions did apply in Iraq.

The information documenting this is all available: in the existing reports, and even more so, in the large number of documents, interviews, etc. which have not yet been made public because they are still classified—all of which Congress should demand to see.

What About Feith and Cambone?

One area which urgently remains to be investigated, is the role of high-level Pentagon civilians such as the Undersecretary of Defense for Intelligence, Stephen Cambone, Cambone’s military assistant, Lt. Gen. William “Jerry” Boykin, and the Undersecretary of Defense for Policy, Doug Feith. Until July 2002, Cambone was Feith’s principal deputy in the Policy “shop”—although he was described at that time by the *Washington Times* as “more Mr. Rumsfeld’s right-hand man than Mr. Feith’s.”

In his ground-breaking series of investigative reports published in *The New Yorker*, investigative journalist Seymour Hersh recounted that the road to Abu Ghraib commenced shortly after Sept. 11, 2001, when Defense Secretary Rumsfeld created a super-secret program which had blanket, advance approval to kill, or to capture and interrogate, “high-value” targets in the war on terrorism. A “Special-Access Program” (SAP) was established which involved Navy SEAL teams, the Army’s Delta Force, and CIA paramilitary operatives. Hersh reported that Cambone was deeply involved in this program, and that early in his tenure at the Pentagon, Cambone had insisted that he be given control of all Special-Access Programs related to the war on terrorism, wresting control of these program away from veteran counterintelligence hand Kenneth deGraffenreid. Cambone and deGraffen-



Iraq’s Abu Ghraib prison. There can no longer be any doubt that the culpability for the abuses and crimes committed there runs right to the top of the command structure.

reid were both deputies to Feith in the period following 9/11; deGraffenreid subsequently resigned.

Moreover, from those few documents publicly released by the Defense Department, it’s clear that Feith was “in the loop” for policy discussions on interrogations. When a request came from the Guantanamo commander for approval of “counter-resistance techniques to aid in the interrogation of detainees,” Rumsfeld sent a memo in November 2002, to his General Counsel, saying he had discussed this with Deputy Secretary Paul Wolfowitz, Feith, and Joint Chiefs of Staff Chairman Gen. Richard Myers. When Rumsfeld directed his General Counsel to create the Working Group on interrogations, he said that experts from Feith’s office should be involved.

One official in Feith’s office who has evaded scrutiny up to this point is Michael Mobbs, a longtime associate of Feith (and of Richard Perle), who is a “Special Advisor to the Undersecretary of Defense for Policy.” In affidavits submitted to Federal courts in the cases of “enemy combatant” detainees Yaser Hamdi and José Padilla, Mobbs stated that Feith had directed him to head the “Detainee Policy Group” in Feith’s office, and he held himself out as the official in the Defense Department most knowledgeable about detainees in the war on terrorism. His credentials were sharply questioned by the

Federal judge hearing the Hamdi case.

Yet despite all this, Mobbs's name never seems to have come up in any of the current investigations. (Earlier this year, Mobbs did come briefly to public attention, when it was disclosed that, at the same time that he was heading the Detainee Policy Group, he was also heading up a special team called the Energy Infrastructure Planning Group, which decided in the Summer of 2002, outside of normal channels, to award a contingency contract to Halliburton/KBR for restoring Iraq's oil fields after the planned invasion of Iraq.)

Cambone and Boykin

In Senate testimony last May, Cambone was asked by Senate Armed Services Committee Chairman John Warner (R-Va.), if his office (the Undersecretary of Defense for Intelligence) has overall responsibility for the handling of detainees in the war on terrorism, and he answered that this responsibility lies with the Undersecretary of Defense for Policy, under a Defense Department directive. (That is accurate; under a 1994 DOD directive, the Policy office has "primary responsibility for the DOD Enemy Prisoners of War and Other Detainees Program." On DOD organizational charts, there exists a position for "Information and Detainee Operations" in Feith's office.)

When he was asked about the trip made by Guantanamo commander Maj. Gen. Geoffrey Miller to Abu Ghraib in August-September 2003 (from which Guantanamo interrogation methods, including the use of guard dogs, were brought into Iraq), Cambone answered that Miller had gone "under Joint Staff auspices but with my encouragement."

Cambone also testified that, upon Miller's return from Abu Ghraib, he had received a briefing on Miller's trip from his own deputy, Gen. Jerry Boykin.

Boykin is, of course, the Christian Zionist "jihadist" who publicly and repeatedly proclaimed that the war on terrorism is actually a crusade waged by Christian nations against satanic Islam. And, as *EIR* was told (see May 28 issue), Miller and Boykin are "two peas in a pod."

The Limitations of the Current Probes

The failure to take up such issues, is illustrative of the problems with all of the investigations to date, and of those still under way. Under military protocol, an investigating officer cannot investigate anyone more senior than himself. And conducting interviews with civilians in the Office of the Secretary of Defense, is clearly beyond the scope of the investigations conducted by the Army or other service branches.

The Schlesinger panel is not subject to these restrictions. It did, in fact, interview Cambone, Boykin, and Feith, but, there is no reference to any findings regarding them in the report.

But that's not the only problem with the Schlesinger Report. In a discussion with *EIR*, a military-law expert said that he applauded the panel for the accuracy of their report when dealing with factual matters. But he said that it is not surpris-

ing that the panel did not call for the resignation of Defense Secretary Donald Rumsfeld, because all four of the panel members are in fact members of Rumsfeld's Defense Policy Board—which is appointed by the Secretary of Defense and operates as an adjunct of the Office of the Undersecretary of Defense for Policy.

After taking office, the Bush Administration purged the Board (formally known as the Defense Policy Board Advisory Committee) of many prominent Democrats, replaced them with hard-core neo-cons, and designated Richard "Prince of Darkness" Perle as its chairman. The board became a center of planning for an early invasion of Iraq, and its leading members insisted that "heads would have to roll" among senior military commanders who opposed the rush to war being led by Pentagon civilians.

It was the Defense Policy Board which hosted a secret presentation by the Hudson Institute's Laurent Murawiec, targetting Saudi Arabia in the summer of 2002. In 2003, Perle was forced to step down as chairman, after it was exposed that he had used his position for personal and political gain, including a crude blackmail scheme aimed at the Saudis.

More Military Reports Still to Come

In addition to the five reports already completed on detention and abuse of prisoners in the war on terrorism, four other reports are still pending completion, probably by the end of the year. As these are all being done within the military departments, they will suffer from the same limitations as the previous ones, which is that they cannot investigate high-ranking officials, either military or civilian. The four reports still outstanding were identified by the Aug. 29 *New York Times* as follows:

1) Brig. Gen. Charles Jacoby, the deputy commander of the U.S. base at Bagram, Afghanistan, is investigating conditions at 20 U.S.-run jails in Afghanistan; the release of his report has already been delayed three times since June.

2) Brig. Gen. Richard Formica is investigating reports of detainee abuse by Special Forces in Iraq. It is expected to be issued "soon."

3) Vice Adm. Albert Church, the Navy Inspector General, is investigating all military interrogation techniques which were considered, authorized, prohibited, or used, in the war on terrorism. It is expected sometime in September.

4) Lt. Gen. James Helmly, the chief of the Army Reserve, is reviewing the training of reserve Military Intelligence (MI) and Military Police (MP) units in the laws of war and in "ethics." His report is expected in December.

Even under the best of circumstances, and if the Administration and the Office of the Secretary of Defense were fully cooperating with these investigations—and clearly they are not—these probes cannot take the investigation where it must go, to the upper reaches of the Bush-Cheney Administration. If this is to be done—and it must be—it will have to be done by the relevant Congressional committees, or by an independent commission.