

# CHENEY'S SOPHISTRY ON TORTURE INVESTIGATIONS

It will not surprise you to learn that PapaDick parsed wildly about what Obama has said about torture in Cheney's defense of torture today. Five times today, Cheney claimed that Obama is "going back on his word," "his promise," that "his administration would not go back and look at or try to prosecute CIA personnel."

President Obama made the announcement some weeks ago that this would not happen, that his administration would not go back and look at or try to prosecute CIA personnel.

[snip]

We had the president of the United States, President Obama, tell us a few months ago there wouldn't be any investigation like this, that there would not be any look back at CIA personnel who were carrying out the policies of the prior administration. Now they get a little heat from the left wing of the Democratic Party, and they're reversing course on that.

The president is the chief law enforcement officer in the administration. He's now saying, well, this isn't anything that he's got anything to do with. He's up on vacation on Martha's Vineyard and his attorney general is going back and doing something that the president said some months ago he wouldn't do.

[snip]

Instead, they're out there now threatening to disbar the lawyers who gave us the legal opinions, threatening

contrary to what the president originally said. They're going to go out and investigate the CIA personnel who carried out those investigations. I just think it's an outrageous political act that will do great damage long term to our capacity to be able to have people take on difficult jobs, make difficult decisions, without having to worry about what the next administration is going to say.

[snip]

I think if you look at the Constitution, the president of the United States is the chief law enforcement officer in the land. The attorney general's a statutory officer. He's a member of the cabinet. The president's the one who bears this responsibility. And for him to say, gee, I didn't have anything to do with it, especially after he sat in the Oval Office and said this wouldn't happen, then Holder decides he's going to do it.

[snip]

But my concern is that the damage that will be done by the President of the United States going back on his word, his promise about investigations of CIA personnel who have carried those policies, is seriously going to undermine the moral, if you will, of our folks out at the agency.

Of course, as is Cheney's sophistic habit, his description of what Obama said changes: from "looking at or trying to prosecute CIA personnel" to "looking at CIA personnel who were carrying out the policy of the prior administration" to "his promise about investigations of CIA personnel who have carried those policies."

Here's what Obama said in his official

statement.

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.

That is, Obama assured those who tortured "relying in good faith upon legal advice" from DOJ that they would not be prosecuted.

Obama said nothing about those who ignored or overstepped that legal advice. He said nothing about those who tortured before that legal advice. He said nothing about those who gave the legal advice.

Yet Cheney claims—and Fox, unsurprisingly, accepts Cheney's claim—that Obama promised not to consider prosecution of those who didn't relying in good faith on DOJ's legal advice.

Mind you, Rahm once did make broader promises (even while he reaffirmed Obama's statement as the official statement). And while I can understand that a guy like Cheney would mistake Rahm's statements for Obama's (having repeatedly made statements he was happy to have conflated with Bush statements), in this appearance, Cheney is focusing on Obama.

And Obama never said there'd be no investigation.

I'm sure this is a very deliberate approach—one already widely adopted by the torture apologists—to turn to attack on Obama and, just as importantly, to distract away from the abundant evidence that the torturers paid little heed to the legal fig leaf Cheney erected for them. And implicit in Cheney's sophistry is the policy that his torture regime really had no legal bounds—the torturers are above the law.

So Cheney is resorting to his favorite weapon (after torture, secrecy, and illegal wars, I guess)—sophistry—to try to shift the debate.

And I'm betting the traditional media will let  
him do so.