

# **TORTURE? CHECK. COVERING UP TORTURE? CHECK. RULE OF LAW? NOPE.**

I think it was the timing of the end of the torture investigation that hurts most of all. Just days ago, Harold Koh was boasting of the Durham investigation to the UN. Then Bush started his dog and pony show, including his proud admission to have ordered up torture. All of which made today's announcement, that no one will be charged for covering up evidence of torture, almost anti-climactic.

**Of course** no one will be charged for destroying the evidence of torture! Our country has spun so far beyond holding the criminals who run our country accountable that even the notion of accountability for torture was becoming quaint and musty while we waited and screamed for some kind of acknowledgment that Durham had let the statute of limitations on the torture tape destruction expire. I doubt they would have even marked the moment—yet another criminal investigation of the Bush Administration ending in nothing—it if weren't for the big stink bmaz has been making. Well, maybe that's not right—after all, Bob Bennett was bound to do a very public victory lap, because that's what he's paid for.

The investigation continues, DOJ tells us, into obstruction of the Durham investigation itself. Maybe they think they've caught someone like Porter Goss in a lie. But at this point, that almost seems like a nice story the prosecutors are telling themselves so they can believe they're still prosecutors, so they can believe we still have rule of law in this country.

This inquiry started long before Obama started looking forward, not backward. It started before the White House allowed the Chief of Staff to

override the Attorney General on Gitmo and torture. It started before we found out that someone had destroyed many of the torture documents at DOJ—only to find no one at DOJ cared. It started before the Obama DOJ made up silly reasons why Americans couldn't see what the Vice President had to say about ordering the leak of a CIA officer's identity. It started before the Obama White House kept invoking State Secrets to cover up Bush's crimes, from illegal wiretapping, to kidnapping, to torture. It started at a time when we naively believed that Change might include putting the legal abuses of the past behind us.

This inquiry started before the Obama Administration assumed the right to kill American citizens with no due process—all the while invoking State Secrets to hide that, too.

This inquiry started before Bush and then Obama let BP get away with serial violations of the laws that protect our workers and environment, and then acted surprised when BP ruined our Gulf.

This inquiry started before Obama helped to cover up the massive fraud committed by our banks, even while it continued to find ways to print money for those same banks. It started, too, before the Obama Administration ignored mounting evidence that banks—the banks employed by taxpayer owned Fannie and Freddie—were foreclosing on homes they didn't have the legal right to foreclose on, going so far as to counterfeit documents to justify it. This inquiry started when we still believed in the old-fashioned principle of property rights.

This inquiry started before banksters got excused when they mowed down cyclists and left the scene of the crime, because a felony would mean the bankster would lose his job.

The ACLU's Anthony Romero reacted to this news saying, in part, "We cannot say that we live under the rule of law unless we are clear that no one is above the law."

I think it's clear. We cannot say we live under the rule of law.