



Obama: Torturers Shouldn't Be Punished

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. The men and women of our intelligence community serve courageously on the front lines of a dangerous world. Their accomplishments are unsung and their names unknown, but because of their sacrifices, every single American is safer. We must protect their identities as vigilantly as they protect our security, and we must provide them with the confidence that they can do their jobs.



So how exactly does conducting some of the [most brutal torture techniques known to man](#) constitute officials who “do their jobs.” Is it indeed their “duty” to torture, as Obama implies? [Obama says](#) he won't torture as president, but [Bush also promised](#) the same thing.

Obama never called Bush's torture techniques “torture,” though they constitute torture by any rational [definition of the word](#). He did say in his statement that “they undermine our moral authority and do not make us safer,” and that “we have been through a dark and painful chapter in our history.” But if intelligence officials followed the law and only did “their jobs,” then how could that possibly constitute a “dark chapter” in our history?

Which is it? Obama doesn't say, because the real answer is whatever you want to hear. “The United States is a nation of laws,” he said in his April 16 statement, adding that “my administration will always act in accordance with those laws, and with an unshakeable commitment to our ideals.” But then he says the CIA and other intelligence officials involved in [felony torture](#) should not be held to the law, adding that “nothing will be gained by spending our time and energy laying blame for the past.”

Of course, all law enforcement involves the expenditure of time and energy for laying blame for the past. Murderers are blamed at trial for their past murders, thieves for their past thievery and parking tickets for their past violations. These penalties for past offenses are particularly important for those who violate the law under the pretended authority of government. Government officials alone, according to Obama, should be immune from the penalties of law.

Some people, Obama is effectively arguing, are above the law. His [earlier pledge](#) that “I don't believe that anybody is above the law” was a lie. But it also means he's violating his [oath of office](#) to “faithfully execute the office of President of the United States,” which primarily includes enforcing all the laws of the federal government.

In truth, Obama sounded more like a social worker or high school “grief” counselor than the chief



Written by [Thomas R. Eddlem](#) on April 19, 2009

federal law enforcement office in his statement:

This is a time for reflection, not retribution. I respect the strong views and emotions that these issues evoke. We have been through a dark and painful chapter in our history. But at a time of great challenges and disturbing disunity, nothing will be gained by spending our time and energy laying blame for the past. Our national greatness is embedded in America's ability to right its course in concert with our core values, and to move forward with confidence. That is why we must resist the forces that divide us, and instead come together on behalf of our common future.

Obama's statement could be summed up in five words: I won't enforce the law.

Moreover, Obama signaled (without explicitly stating) that he will continue to ignore the unequivocal mandate of the [Fourth Amendment](#) to the U.S. Constitution, which requires a search warrant and probable cause for all federal searches of private property:

While I believe strongly in transparency and accountability, I also believe that in a dangerous world, the United States must sometimes carry out intelligence operations and protect information that is classified for purposes of national security. I have already fought for that principle in court and will do so again in the future.

The "principle" Obama was referring to was the Bush policy of eavesdropping on Americans' electronic communications through the NSA without a warrant.



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