



Written by [Thomas R. Eddlem](#) on February 13, 2009

## Americans Want Torture Inquiry, Obama Doesn't

That lawsuit sought damages against a private airline used by the CIA to rendition low-value suspects for torture by dictatorial regimes abroad. One of the five plaintiffs, [Benyam Muhammed](#) (a British and Ethiopian citizen), alleged he was renditioned to Morocco where [torturers made razor cuts on his penis](#). The lawsuit alleges that San Jose-based Jeppesen DataPlan Inc. should have known that its planes were being used to ferry suspects for torture and is therefore liable for damages.



But because the Obama administration [invoked the "state secrets" policy](#) at the Ninth U.S. Circuit Court of Appeals in San Francisco, the lawsuit's likelihood of revealing felony torture on the part of Bush officials is now remote.

"This is not change," ACLU Executive Director Anthony Romero correctly [told the Associated Press](#). "Candidate Obama ran on a platform that would reform the abuse of state secrets, but President Obama's Justice Department has disappointingly reneged on that important civil liberties issue."



The Obama policy in San Francisco also drew a rare condemnation of a Democrat from the [New York Times editorial page](#).

The Gallup Poll came just two weeks after it was revealed that the Obama administration's [Justice Department has dispatched several government lawyers](#) to defend Bush-era Justice Department official [John Yoo](#) from a [lawsuit](#) by torture victim [Jose Padilla](#).

Jordan Paust of the University of Houston Law Center [calls](#) giving Justice Department lawyers to alleged international war criminals "an outrage and constitute an embarrassing embrace of international criminal conduct that the international community has demanded must result in absolutely no form of impunity." Paust says that alleged criminals should bear the costs of their own defense, and



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notes there is a long historical case for this. At “a 1781 Resolution of the Continental Congress, the Founders expected that ‘the author of ... injuries [that are “offenses against the law of nations”] should compensate the damage out of his private fortune.’”

President Obama’s actions are fast diverging from his public rhetoric.

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