

# Bush Top Lawyers Authored Memos Purporting to Authorize Torture

FOIA Request Filed for OPR Report on Bush's Lawyers

By [Global Research](#)

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[The Robert Jackson Steering Committee](#) 8  
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*An organization of attorneys, journalists, and advocates today filed a request under the Freedom of Information Act requesting the long-suppressed report from the Department of Justice's Office of Professional Responsibility (OPR) regarding the conduct of President Bush's top lawyers in the Office of Legal Counsel who authored memos purporting to authorize torture and aggressive war.*

The request, reproduced below along with a transmittal letter, asks for the OPR report that has long been promised by Attorney General Eric Holder, as well as an earlier OPR report completed during the last months of the Bush administration. The request also seeks the 10 page rebuttal of the 2008 report by then- Attorney General Michael Mukasey.

[Transmittal Letter](#)  
[FOIA Request](#)

Members of the Robert Jackson Steering Committee (RJSC) filed the request. Founded in September 2008, the RJSC works to bring about the criminal prosecution of top government officials in the United States alleged to have committed war crimes. The committee was named in honor of U.S. Supreme Court Justice Robert Jackson, who was the top U.S. prosecutor of Nazi war criminals at Nuremberg. "We must never forget," Jackson had said in his Opening Statement, "that the record on which we judge these defendants today is the record on which history will judge us tomorrow. To pass these defendants a poisoned chalice is to put it to our lips as well."

**Charlotte Dennett**, an attorney member of the RJSC and one of the authors of the FOIA request, said: "The time has come to squarely address the role of these lawyers. Did they create new laws redefining the crime of torture after American forces had already begun torturing prisoners? And if so, for what purpose and on whose orders? We cannot countenance further delays or accept a greatly watered-down version of the original report. We must know the facts and then decide whether President Obama's Department of Justice is continuing the cover-up begun under his predecessor."

**Peter Weiss**, another RJSC attorney member and author of the FOIA request, added: "We are not simply requesting that a long-promised report be released sooner rather than later. We are requesting transparency in the unprecedented procedure of letting the very subjects of a DOJ misconduct report propose changes to it. The current Chilcot Inquiry in England of the build-up to the 2003 invasion of Iraq has revealed an editing process in which the

attorney general of that nation reversed his opinion that the war would be illegal. If a similar editing job has been performed on the original OPR report, the American public has a right to know it.”

**David Swanson**, Chair of the Robert Jackson Steering Committee who also worked on the FOIA request, said “Much awaits this report. Bar associations have delayed disbarment. Congressional committees have delayed subpoenas and impeachments. The Department of Justice has delayed prosecutions. One of the lawyers under review, John Yoo, is facing a civil suit from one of the victims of his actions, Jose Padilla. If the Justice Department is refusing to release the report in order to deny the report to Padilla’s legal counsel, the public has a right to know.”

Justice Robert H. Jackson’s words in his opening statement as Chief Prosecutor at Nuremberg have special relevance to today: “The common sense of mankind demands that law shall not stop with the punishment of petty crimes by little people. It must also reach men who possess themselves of great power... [for they, too,] as Lord Chief Justice Coke put it to King James, [are] ‘under ... the law.’ And let me make clear that while this law is first applied against German aggressors, the law includes, and if it is to serve a useful purpose it must condemn aggression by any other nations, including those which sit here now in judgment.”

#### **Members of the Robert Jackson Steering Committee are:**

Chair David Swanson is the author of *Daybreak: Undoing the Imperial Presidency and Forming a More Perfect Union* by Seven Stories Press, Co-Founder of [AfterDowningStreet.org](http://AfterDowningStreet.org). Swanson became chair in November 2009.

Past Chair Lawrence Velvel served as chairman of the Steering Committee of the Justice Robert H. Jackson Conference On Planning For The Prosecution of High Level American War Criminals, or the Robert Jackson Steering Committee for short, through October 2009. Velvel is Dean of the Massachusetts School of Law and a professor of law.

John Bonifaz, Legal Director of Voter Action, author of *Warrior-King: The Case for Impeaching George W. Bush*.

Kristina Borjesson, an award-winning print and broadcast journalist for more than twenty years and editor of two recent books on the media.

Shahid Buttar, executive director of the Bill of Rights Defense Committee.

Marjorie Cohn, a law Professor at Thomas Jefferson School of Law, immediate past president of the National Lawyers Guild, author of *Cowboy Republic: Six Ways the Bush Gang Has Defied the Law* (PoliPointPress, 2007), and editor of “The United States and Torture: Interrogation, Incarceration and Abuse” (NYU Press, Fall 2010).

Colleen Costello, Staff Attorney of Human Rights, USA, of Washington, D.C., and coordinator of its efforts involving torture by the American government.

Ben Davis, a law Professor at the University of Toledo College of Law, where he teaches Public International Law and International Business Transactions. He is the author of

numerous articles on international and related domestic law.

Charlotte Dennett, investigative journalist, attorney, 2008 candidate for Attorney General of Vermont, and author of *The People v. Bush: One Lawyer's Campaign to Bring the President to Justice and the National Grassroots Movement She Encounters Along the Way* (Chelsea Green, January 2010).

Valeria Gheorghiu, attorney.

Jeanne Mirer, President of the International Association of Democratic Lawyers.

Chris Pyle, a Professor at Mount Holyoke College, where he teaches Constitutional law, Civil Liberties, Rights of Privacy, American Politics and American Political Thought, and is the author of many books and articles, including *Getting Away with Torture: Secret Government, War Crimes, and the Rule of Law.*

Elaine Scarry, the Walter M. Cabot Professor of Aesthetics and the General Theory of Value at Harvard University, and winner of the Truman Capote Award for Literary Criticism.

Peter Weiss, vice president of the Center For Constitutional Rights, of New York City, which was recently involved with war crimes complaints filed in Germany against former Defense Secretary Donald Rumsfeld and others.

Andy Worthington, British journalist and author of *The Guantanamo Files: The Stories of the 774 Detainees in America's Illegal Prison* (Pluto Press, 2007).

Kevin Zeese, attorney, activist, serves as Executive Director of Voters for Peace and Prosperity Agenda. He has filed complaints with bar associations seeking the disbarment of 15 Bush-Cheney lawyers for facilitating torture (two who also served Obama-Biden) as part of the Disbar Torture Lawyers Campaign of Velvet Revolution on whose board he serves.

### **Read the documents:**

[Transmittal Letter](#)

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