

New Revelations Compel Obama and Congress to Prosecute Bush and Aides for War Crimes

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Revelations that high Bush administration officials both approved torture and knew that almost all of Guantanamo's prisoners were innocent compel the nation to prosecute them for war crimes, a distinguished legal scholar writes.

Instead, the Obama administration and Congress have been "running away" from the prosecution of the Bush officials, writes Lawrence Velvel, dean of the Massachusetts School of Law in his blog [VelvelonNationalAffairs](#).

For from discussing prosecutions, "we are hearing about possible, almost surely secret, investigations—which will keep facts away from the American public—in order to find out whether the Bush Administration kept information from Congress—which we already have known for years it certainly did," Velvel writes.

"And we are hearing about truth and reconciliation commissions, with immunity given to arch criminals in exchange for testimony, in order to find out the facts—which already are largely known and, to the extent not known, would come out in criminal prosecutions," he added.

The reason politicians are running may be because many of the members of Congressional intelligence committees "received briefings on what was going on" and are complicit." Thus, " Velvel writes, "The word on the street is that Nancy Pelosi and Jay Rockefeller are especially terrified and are working behind the scenes to kill any possibility of prosecutions."

One of the revelations that compel prosecution, Velvel says, is author Mark Danner's article in a recent *The New York Review of Books* leaking a secret Red Cross report on the details of the American program of torture and abuse of detainees. That report was sent to CIA General Counsel John Rizzo who, Velvel says, "was himself one of the criminals."

The other revelation was that of Col. Lawrence Wilkerson, former aide to Secretary of State Colin Powell, that, "almost from day one, the very highest American officials *knew* that almost all of the prisoners at Guantanamo were innocent, but decided to keep these innocent people at Guantanamo anyway for the duration—for many, many years, for a period outlasting Bush's terms in office—because they were scared to death at being revealed yet again to be incompetent," Velvel writes.

"So innocent people," Velvel continued, those having "no intelligence value in actuality—were kept locked up for years for the self protective purposes of political men, just as was done in the worst dictatorships, just as was done under Hitler and Stalin."

Vice President Dick Cheney and Defense Secretary Donald Rumsfeld, Velvel says, rationalized these arrests under the “mosaic philosophy,” that if a man was captured in or near areas of operations he must know at least “*something*” about events that, when combined with other snippets, could be combined into a “mosaic” of useful intelligence.

“Thus,” Velvel quotes Col. Wilkerson as saying, “as many people as possible had to be kept in detention for as long as possible to allow the philosophy of intelligence gathering to work. *The detainees’ innocence was inconsequential.* After all, they were ignorant peasants for the most part and mostly Muslim to boot.” (Emphasis in original text.)

Velvel writes that while “a lot of Americans” would not object to the torture of hard-core terrorists of Al-Qaeda, they would recoil at holding known innocent people for years on end at a facility such as Guantanamo prison in Cuba where there was regular torture and abuse. He added, “Yet despite this...the mainstream media, as far as I can see, has largely ignored what Wilkerson said.”

Col. Wilkerson opined that Cheney and his like “are evil people”, to which Velvel adds, “Letting people like that go unprosecuted, letting them continue to walk free—often as wealthy men, no less...even though they locked up innocent people for years to serve their own selfish political purposes...is just as bad (or worse) as it would be to let Bernard Madoff walk free...” Velvel concluded, “We must either choose prosecutions to uphold decency, or no prosecutions, which would reward indecency.”

Velvel is dean and cofounder of the Massachusetts School of Law at Andover, purposefully dedicated to providing a rigorous, affordable legal education to students from minority, low-income and immigrant backgrounds that otherwise would not be able to enter the legal profession. The school has been hailed as a pioneer in legal education reform and dean Velvel has been honored for his contributions by the *National Law Journal* and cited as a leading legal reformer by *National Jurist* magazine. #

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