

Torture Accountability Requires the People to Demand It

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Attorney General Holder Considering Appointment of Special Prosecutor But Devil is In the Details. We Need a Full-Fledged, Independent Investigation and Prosecution

Reports over the weekend indicate that Attorney General Holder is seriously considering appointing a special prosecutor to investigate torture and other abuses during the Bush-Cheney administration.

This would be a major reversal and indicates that efforts for torture accountability are paying off. We are close to success but pressure is mounting to prevent a prosecution so those who favor holding torturers accountable, including those who created and facilitated the policy, need to increase their efforts at this critical time.

Already, there is a strong reaction trying to thwart the appointment of a special prosecutor from leading Republicans like Senator John McCain and Rep. Peter King. McCain warned such a prosecution would give terrorists “more tools.” And King urged a “scorched earth policy” of non-cooperation by Republicans on all issues if a prosecution goes forward.

And, in the White House political advisors David Axelrod and Rahm Emanuel oppose a probe because of the impact it might have on the president’s legislative agenda.

But, under the law the Attorney General has no choice. The Convention Against Torture, signed by President Reagan and now the law of the land, requires an investigation and prosecution if torture has occurred. There are no excuses. If Holder is going to begin to revive the credibility of the Department of Justice as a law enforcement agency and not a political tool of the White House, he has no choice but to uphold the law.

Newsweek reports that four sources tell them the Attorney General is leaning toward the appointment and has already requested ten names of potential prosecutors. Scott Horton, the Atlantic’s torture reporter, writes in the Daily Beast, that two sources confirm the reports to him.

There are still issues that could turn this potential success into a failure. One is whether the probe will be broad enough to include the policy makers who were responsible. If not, it will be a whitewash that sets a precedent for future president’s and vice president’s that they will not be held accountable for war crimes. The Washington Post indicates torture policy makers would not be investigated and the probe would be limited to those who went beyond the limits of the DOJ memos. Scott Horton is reporting a broader investigation would be authorized. Citizen pressure right now could make the difference of a real investigation or a phony one.

It would be a grave error to limit the inquiry to those outside of the DOJ memos since that legal analysis was flawed and manipulated. Indeed, how the White House manipulated the Justice Department must be investigated in order to return any credibility to the agency as one that upholds the law and is apolitical. The appointment of a special prosecutor is likely to come at the same time that DOJ releases an Office of Professional Responsibility report on the legal memos and whether the authors should be disbarred.

We are asking you to take three actions:

1. Write Attorney General Holder. The letter we have drafted indicates that the rule of law demands a full-fledged torture investigation, that the authors of the memos that facilitated torture should be recommended for disbarment and that the special prosecutor should be truly independent and allowed to fully investigate the facts and apply the law to the highest levels of government. The Justice Department reputation for independence cannot be restored without a full investigation, including holding DOJ officials responsible for their actions.
2. Write President Obama to tell him that political considerations are secondary to upholding the rule of law. Just as he lectured the people of Africa in Ghana this weekend "You have the power to hold your leaders accountable," Americans have the same power and responsibility. President Obama needs to make it clear that DOJ is independent of the White House, this is the Attorney General's decision and de-politicizing the issue by applying the rule of law is best for the country.
3. Share this article with everyone you know. The movement for torture accountability is growing but now that this trial balloon has been put out the pressure to prevent an independent prosecutor is going to mount. It is going to take a lot of public pressure to ensure torture accountability.

You can take these steps at www.VotersForPeace.US.

Voters For Peace has been calling for a special prosecutor, a public Congressional inquiry and disbarment of torture lawyers. With your help, financial and joining our advocacy efforts, we are making progress that less than a month ago seemed impossible. It seems we are nearing success. Now is the time for you to take action. Urge torture accountability and support our ongoing efforts to apply the rule of law.

In his speech in Ghana this weekend President Obama told the people of Africa "No person wants to live in a society where the rule of law gives way to the rule of brutality." The U.S. has seen the rule of law give way to brutality, as what seems to be a widespread program of torture has gone unpunished. President Obama promised the people of Africa that he would "stand behind efforts to hold war criminals accountable." Will he do the same for the United States ?

For more information and to take action on torture accountability visit www.VotersForPeace.US.

Kevin Zeese is the executive director of Voters for Peace. He filed complaints against 15 Bush-Cheney torture lawyers, and two who continue to serve in the Obama administration, seeking their disbarment.

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