

May 27, 2009

The Honorable Eric Holder
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Mr. Attorney General:

The undersigned organizations based in Massachusetts urge you to appoint a Special Counsel to examine the overwhelming evidence that high ranking members of the previous administration, including President Bush, Vice President Cheney, Defense Secretary Rumsfeld, Attorney General Gonzalez and several lawyers in their respective offices and departments, authorized and approved methods of interrogating persons in American custody that violate federal criminal statutes.

We appeal to you not only because President Obama has made clear that the decision to initiate an investigation is in your hands, but also because your clear and forthright statement that waterboarding as a tool of interrogation is in all circumstances torture, and therefore a war crime, convinces us that you understand the depth of the crisis your predecessors have created. Former Vice President Cheney, with still evident pride, has acknowledged his specific approval of the waterboarding of detainees, and continues to argue for the necessity of using this and other equally barbarous practices to prevent acts of terrorism. Former President Bush has spoken more euphemistically about “alternative interrogation techniques.” Nevertheless, these techniques, including denial of sleep, the forced assumption of stress positions, slamming detainees into walls and extreme deprivation of sensory stimulation, amount to torture as well. Bush administration officials persist in denying this obvious truth only by taking false comfort from willful and grotesque misstatements of applicable law by the administration’s attorneys, including David Addington in the Vice President’s office, Jay Bybee and John Yoo in the Justice Department, and William Haynes in the Department of Defense.

We believe that an orderly, judicious, formal investigation of these men and other Bush administration officials will not inflame public sentiment or partisan divisiveness. Whatever their motives may have been, the people who directed the torture of human beings claim to have acted with the authorization of their constituents, the people of the United States. Under our Constitution, it is “we the people” who hold those we elect to represent us responsible for their actions. If we avoid the full accounting that is possible only through a formal investigation and, if warranted, prosecution of those members of the Bush administration who authorized torture, we, the American people, will inevitably be seen by the world, and, more importantly, by our own children and grandchildren, to have ratified their crimes through our inaction. As guardians of Constitutional government, we citizens are obligated to do all we can to prevent such an everlasting stain on our democratic inheritance and future recurrences of such abrogation of law.

We also fear that the crimes resulting from the Bush administration decision to authorize torture may have extended well beyond those revealed by the memoranda recently released at the direction of President Obama. Former Secretary of State Powell’s Chief of Staff, Lawrence Wilkerson, has suggested that under the administration’s so called “mosaic” theory of interrogation, “it did not matter if a detainee was innocent. Because he was captured in or near the battle area, he must know something of importance. All that was necessary was to extract everything possible from him and others like him, assemble it all in a computer program, and then look for cross-connections and serendipitous incidentals [so] that dots could be connected and terrorists or their plots could be identified.” If accurate, this suggests it is likely that the use of interrogation practices amounting to torture was widespread, lasting as long as the administration waged its “war on terror.” This possibility—that our government has used torture as a matter of course against detainees—is the most likely explanation for the more than one hundred deaths of persons in U.S.

military or CIA custody since September 11, 2001, according to the Pentagon's own estimates. At the very least, Mr. Wilkerson's access to information available only at the highest levels of the Bush administration makes clear that the scope of the possible criminal action can be ascertained only through an investigation by a Special Counsel.

Two months ago, the Serbian-American poet, Charles Simic, offered the following dismal assessment of the prospects for a just reckoning with our country's open descent into criminality:

What unites many countries in the world, both the ones that don't give a fig about human rights and the ones that profess they do, is their unwillingness to punish their war criminals. When it comes to accountability, instances of confronting their own guilt are exceedingly rare among nations, especially when the victims are members of some other race, religion or country. ...

In addition, there's an unwritten understanding that crimes committed by the United States and a few other Western powers go unpunished. When the International Criminal Court was launched in 2003, the Bush administration refused to join, fearing that its military and its leaders could be arbitrarily indicted by some grandstanding foreign prosecutor. But that was just dissembling. The real reason is that the United States considered itself as a country whose exceptional moral standing exempts it from accountability for the war crimes it commits. The trouble with that is that everybody else feels the same way. The belief that one ought to be able to kill one's enemies and live happily ever after is nearly universal.

We ask you to prove that Mr. Simic's eloquently rendered cynicism need not be prophetic. Show that our country does not consider itself exempt from responsibility for its actions, that we are able to bear the knowledge of what our Government has done to others in our name, and that we are prepared to offer our law, our Constitution, as our accounting to ourselves and to the world for the crimes of the last eight years. We implore you to appoint a Special Counsel to investigate high ranking officials of the Bush administration for their authorization, approval and direction of torture.

Sincerely,

American Civil Liberties Union of Massachusetts

American Friends Service Committee (Western Massachusetts)

Amherst Women in Black

Amnesty International- Group 128

Bill of Rights Defense Committee

Faculty for Israeli-Palestinian Peace-Five Colleges

Group Against Torture in Sudan (GATS)

Massachusetts Campaign Against Torture

North Quabbin Women in Black

Pioneer Valley Coalition Against Secrecy and Torture

Sudanese-American Young Adults Project (SAYAP)

Western Massachusetts CODE PINK

Western Massachusetts Darfur Coalition (WMDC)