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Special Prosecutor Needed on Torture

By Brent Budowsky
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Editor's Note: The troubling evidence now is that in the months after the 9/11 attacks George W. Bush authorized the torture of al-Qaeda suspects and that the administration briefed select Republicans and Democrats in Congress who raised few, if any, objections.

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In this guest essay, former Democratic congressional staffer Brent Budowsky says this bipartisan support or acquiescence to violations of U.S. and international law requires an independent investigator:

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The reason a special prosecutor is needed in the torture tapes obstruction of justice case, and the reason there is private panic in many Democratic and Republican circles, is that it now appears that some prominent Democrats, along with some prominent Republicans, gave a private thumbs-up to torture in 2002.

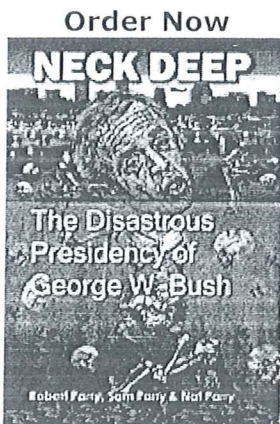
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Waterboarding is torture. Torture is a crime.

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Looking at the various creative means of torture that have been publicly reported, the laws that were broken include the Geneva Convention, European law, the U.S. War Crimes Act, the domestic laws of probably a dozen countries at least, especially in Europe, and very possibly the Nuremberg rules.

Flashing back to 2001 and 2002, when torture was instituted and some Democrats and Republicans were briefed: That was the time when most senic Democrats joined Republicans in supporting the Iraq war and voting for the Patriot Act (including the majority in the Congress who did not read the Patriot Act before voting for it).

It would not be surprising, given the political atmosphere of the times in 2001 and 2002, if some senior Democrats as well as senior Republicans joined the torture bandwagon in highly classified briefings. No doubt some did not, but others did.

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It is time for truth. It is time for truth without fear.

It is time to end torture. It is time for those who were wrong, in either party, to put their wrongness to the side and call for a full and complete investigation, in a matter where the truth may lead, because it is clear where the cause of right must stand:

End torture now.

My bet is that the president will ultimately issue a mass pardon, including himself and the vice president, which he can do for crimes other than impeachment.

My bet is that we will learn that the president and vice president both knew about the destruction of the torture tapes.

My bet is that at least some senior Democrats, and close to all senior Republicans who were briefed, gave their approval or assent to torture in classified briefings.

It is time for truth, and only a fully independent special counsel, commonly known as special prosecutor, can get the truth, the whole truth and nothing but the truth.

While a special counsel investigates the destruction of the torture tapes, specifically whether obstruction was committed and who was complicit, there are other issues that must now be addressed, honorably and fully:

1. Is there evidence in the transcripts of the destroyed torture tapes that torture in fact, did not provide good information? Is there proof that torture does not work?
2. Is there evidence in the transcripts of the destroyed torture tapes that bad evidence that was wrong and extracted through torture was used in phony terror scares that always came forward before major elections and major votes in Congress?
3. Now-Attorney General Michael Mukasey dramatically changed his testimony on torture in his confirmation hearings between his first and second days of testimony, and specifically changed his testimony on waterboarding. Was he told between those first and second days, or at any other time, about either the destruction of the torture tapes or any other potential crime involving torture?
4. Exactly who is complicit in the cover-up of the Abu Ghraib crimes that is strongly suggested by the courageous statements of the highly respected Ger Antonio Taguba and is this related to similar potential crimes of obstruction and cover-up in the torture tapes case?

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Don't believe a word that is uttered by these former CIA employees now doing the media rounds, and don't believe a word of the various excuses, evasions and triangulations by administration officials or Democrats and Republicans in Congress.

It is time for a special prosecutor, time for the rule of law, time for the triumph of truth and time to end torture here and now, once and forever, in an America that has rejected torture from the days of George Washington and must reject now, forever.

Brent Budowsky was an aide to former Sen. Lloyd Bentsen and to Bill Alexander, then the chief deputy whip of the House. A contributing editor to Fighting Dems News Service, he can be read on The Hill Pundits Blog and reached at brentbbi@webtv.net. [This article was first published by The Hill.]

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