If new Attorney General Eric Holder really means what he said in his oath – that he will “support and defend the Constitution of the United States” – then he must give serious consideration to prosecuting crimes committed by the Bush administration, including its torturing of detainees.

Bush and Vice President Dick Cheney have repeatedly cited this legal guidance when insisting that the harsh interrogation of "war on terror" detainees – as well as other prisoners from the Iraq and Afghan wars – did not cross the line into torture.

In essence, the Bush-Cheney defense is that independent lawyers at the Justice Department’s Office of Legal Counsel and elsewhere gave honest opinions – and that everyone from the President and Vice President, who approved specific interrogation techniques, to the interrogators, who carried out these acts, operated in good faith.

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