

The new Attorney General just said that Bush officials authorized torture. A treaty signed in 1988 by Ronald Reagan compels the U.S. to prosecute those who authorize torture. What's the way out of that?

It seems fairly easy -- even for those overtly hostile to the basic rules of logic and law -- to see what conclusions are compelled by these clear premises:

Associated Press, April 11, 2008:

Bush administration officials from Vice President Dick Cheney on down signed off on using harsh interrogation techniques against suspected terrorists after asking the Justice Department to endorse their legality, The Associated Press has learned.

The officials also took care to insulate President Bush from a series of meetings where CIA interrogation methods, including waterboarding, which simulates drowning, were discussed and ultimately approved. . . .

The meetings were held in the White House Situation Room in the years immediately following the Sept. 11 attacks. Attending the sessions were Cheney, then-Bush aides Attorney General John Ashcroft, Secretary of State Colin Powell, CIA Director George Tenet and national security adviser Condoleezza Rice.

Agence France-Presse, October 15, 2008:

The administration of US President George W. Bush authorized the CIA to waterboard Al-Qaeda suspects according to two secret memos issued in 2003 and 2004, The Washington Post reported Wednesday.

Soon-to-be U.S. Attorney General Eric Holder, 1/15/2009:

President-elect Barack Obama's nominee for attorney general said unequivocally Thursday that waterboarding is torture . . .

Early on he was asked whether waterboarding, a technique that makes a prisoner believe he is in danger of drowning, constitutes torture and is illegal.

"If you look at the history of the use of that technique, " Holder replied, "we prosecuted our own soldiers for using it in Vietnam. . . . Waterboarding is torture."

Bush official Susan Crawford, 1/13/2009:

The top Bush administration official in charge of deciding whether to bring Guantanamo Bay detainees to trial has concluded that the U.S. military tortured a Saudi national who allegedly planned to participate in the Sept. 11, 2001, attacks, interrogating him with techniques that included sustained isolation, sleep deprivation, nudity and prolonged exposure to cold, leaving him in a "life-threatening condition."

"We tortured [Mohammed al-] Qahtani," said Susan J. Crawford, in her first interview since being named convening authority of military commissions by Defense Secretary Robert M. Gates in February 2007. "His treatment met the legal definition of torture. And that's why I did not refer the case" for prosecution."

Current Attorney General Michael Mukasey, 1/17/2009:

"Torture is a crime," Mr. Mukasey said in an interview Friday . . . .

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