

WASHINGTON, DC – Today, Congressman Bobby Scott signed a letter, along with other colleagues on the House Judiciary Committee, to Attorney General Eric Holder requesting that he “... appoint a special counsel for the investigation and possible prosecution of any violations of federal criminal laws related to the interrogations of detainees in the effective custody or control of the United States in connection with counter-terrorism operations or armed conflicts in the aftermath of the September 11, 2001 terrorist attacks on the United States.” Memos released by the Obama Administration last week reflect the Bush Administration’s legal justifications for its use of various “enhanced interrogation” techniques, including slamming of detainees into walls, stress positions, confinement in boxes, sleep deprivation and water boarding.

Rep Scott issued the following statement explaining his reason for signing the letter:

“Torture is never justified in a civilized society and use of these techniques appear to show that torture was used. The military acknowledged that torture is not justified as a policy when it held people accountable for inflicting torture at Abu Graib prison. And the FBI appears to have refused to participate in “enhanced interrogation” techniques because of its apparent view that these practices were illegal.

“Some suggest that torture can be justified if ‘it worked’. That explanation has the same complications as an insanity defense – you have to first admit that you did it.

“Of course, a major problem with justifying torture because it worked is the fact that you have to start torturing someone before you know whether or not it will work. And despite the claims by former Vice President Cheney that it worked, most reports suggest that there is no conclusive evidence that that torture did work. Moreover, even if it did work to get some information deemed useful, there are reports of many cases in which the victim of torture had no meaningful information to provide.

“Furthermore, the torture appears to have been more counterproductive than useful, because it became a rallying cry for recruitment of new terrorists and discouraged some of our allies from cooperating with our military efforts. It also undermined our ability to promote international standards of decency.

"And even if the justification were based on an emergency after Sept 11th, that doesn't explain continuing the practice for years thereafter.

"The legal memoranda purporting to justify torture seem to have been designed not to provide solid legal opinions, but legal cover for those who knew they were breaking the law. And no one has tried to use the "following orders" defense in over half a century. Obviously, if legal memos were drafted and followed in good faith, it would be impossible to prove criminal intent, but if there were no good faith involved, the fact that some were just following an order known to be illegal would not be a defense.

"We should hold ourselves accountable to the same policies on torture to which we seek to hold other countries. What would our reaction be if Iran announced it was going to subject the reporter recently convicted of spying to what is condoned in the U.S. legal memo's in order to get her to admit she was a spy?

"With all these questions and suspicions of possibly serious violations of law, an investigation seems clearly warranted. Congressional proceedings would not be a proper vehicle through which to try to evaluate the issues, as they would likely devolve into a contentious display of partisan perspectives, and furthermore, we have no ability to actually try a criminal case. A special counsel can investigate and work through the issues to come up with an appropriate determination of whether anyone engaged in serious criminal activity for which prosecution is warranted."

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