

## Society of American Law Teachers Urges Full Investigation by US Attorney John Durham into Allegations of Torture

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The Society of American Law Teachers—SALT—commends Attorney General Eric Holder’s decision to release the 2004 CIA Inspector General’s Report and to follow the Office of Professional Responsibility’s recommendations to reconsider any previous decisions limiting the scope of investigation and prosecution of those accused of torturing detainees during the “war on terror.” While we are not convinced that a “preliminary review” is needed before the commencement of an actual investigation, we are confident that John Durham, U.S. Attorney appointed by the former Attorney General Michael B. Mukasey, to investigate the destruction of the CIA interrogation tapes, has the knowledge, expertise, and political will to make a principled recommendation. As Leon Panetta, Director of the CIA, noted in his response to Attorney General Holder’s decision, in a democracy, accountability for the past is an imperative for any government agency or officer.

SALT has been advocating a full investigation into the conduct of the “war on terror” for some time, in letters to then Attorney General Mukasey on August 5, 2008, urging him to appoint a prosecutor to investigate allegations of torture by agents of the U.S. government; in a letter to President Obama on January 30, 2009; in a statement issued on February 24, 2009, and in a second letter to President Obama on April 20, 2009, urging the expansion of Mr. Durham’s authority to encompass allegations of torture.

In a letter dated January 14, 2009, SALT was assured by the Department of Justice that Mr. Durham “will follow the facts wherever they lead.” We sincerely hope that this assurance by the prior administration continues to be true and that an effort will be made to hold accountable not only the employees who followed orders, but the superiors who insisted that torture be used or continued. It is unjust to limit a policy of accountability to those who did not have the power to make policies while refusing to prosecute those who have done far greater harm. Those who created these policies should be held responsible for the behavior of agents and employees in the field. The CIA Inspector General’s Report makes it clear that CIA’s Directorate of Operations in Washington, D.C. insisted that torture be continued after the officers in the field decided it was not appropriate and the fact that the DO “disagreed” with the report of the Inspector General should not prevent inquiry into the role its members played in the use of torture.

Respect for the law, respect for human dignity, and above all, respect for democratic ideals make accountability an imperative. The law has always been clear. Torture is illegal and torture by any other name is still torture and illegal under U.S. and international law.

*Since 1972, the Society of American Law Teachers (SALT) has been working to make the legal profession more inclusive and reflective of the great diversity of this nation; enhance the quality of legal education by advancing social justice within the curriculum and promoting innovative teaching methodologies; and extend the power of law to underserved individuals and communities.*

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