

By David Swanson

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We've heard of John Yoo and Alberto Gonzales, and maybe even Jay Bybee. Some of us recall John Ashcroft, Michael Mukasey, and even David Addington. William Haynes, Stephen Bradbury, and Douglas Feith occasionally make the news. If I had any say about it [all 40 of these facilitators of torture](#) would be universally known -- plus the eight more that readers of this article will call to my attention and angrily accuse me of trying to cover for by only being aware of 40. I would also make universally known the fact that two of the worst now work for President Barack Obama.

Even if you haven't read them, you probably know that the Justice Department under Bush-Cheney produced memos pretending to legalize torture, gruesome memos stipulating exactly how many times a particular victim could "legally" be tortured with a particular technique. John Yoo and Jay Bybee wrote the worst of these memos. But the memos take the form of responses to inquiries from a guy named John Rizzo. Yes, Mr. Rizzo, you may slam that guy against a wall. No, Mr. Rizzo, you may not drown that one unless you have a doctor present. And so on. The memos are all headlined thus: "MEMORANDUM FOR JOHN A. RIZZO."

So, Yoo and Bybee didn't invent the torture techniques out of their own sadistic imaginations. They replied to Rizzo's requests for "legal" permission to use detailed techniques. What if those requests from Rizzo had been turned into news headlines, rather than the Justice Department's responses? Would activists then be focused on demanding Rizzo's, rather than Yoo's, removal from one of our prestigious institutions of higher learning? That's actually a very easy question to definitively answer, and the answer is no. Rizzo doesn't work in academia: he is still, [until he retires this summer](#) the top lawyer at the CIA.

Retirement is what counts as accountability these days in Washington. Future consiglieri are hereby put on notice: you back torture and death squads and drone strikes and you'll be forced to retire with the LA Times printing a profile on your great influence and wonderful taste in expensive suits. Rizzo served as top lawyer at the CIA for years, without the title, because the Senate wouldn't approve him. Serving as the "Acting So-and-So" is what now counts as

compliance with the Constitution. Senators are hereby put on notice: you fail to confirm an appointee, and he or she will get the job without the title.

Rizzo oversaw in detail the use of illegal detention, rendition, and torture at sites around the world. He requested Justice Department memos to cover his actions. He illegally sanctioned the destruction of videotapes demonstrating what he had done. He brazenly testified before Congress that torture was not torture. He authorized torture prior to receiving the Office of Legal Counsel (OLC) memos. After receiving the memos, he authorized torture that far exceeded what they pretended to allow. He lied to the Justice Department, claiming that a captive (Abu Zubaydah) was not cooperative in the absence of torture. He ignored warnings that all of this was illegal, but made clear his awareness of guilt by requesting the memos and destroying the tapes.

And Rizzo didn't do all of this alone. He had help from another top lawyer at the CIA, Jonathan M. Fredman. Fredman now works in the Obama administration in the Office of the Director of National Intelligence, with -- as far as I know -- no plans to leave. According to the Senate Armed Services Committee:

"On October 2, 2002, Jonathan Fredman, who was chief counsel to the CIA's Counter Terrorist Center, attended a meeting of GTMO staff. Minutes of that meeting indicate that it was dominated by a discussion of aggressive interrogation techniques including sleep deprivation, death threats, and waterboarding, which was discussed in relation to its use in SERE training. Mr. Fredman's advice to GTMO on applicable legal obligations was similar to the analysis of those obligations in OLC's first Bybee memo. According to the meeting minutes, Mr. Fredman said that 'the language of the statutes is written vaguely. . . . Severe physical pain described as anything causing permanent damage to major organs or body parts. Mental torture [is] described as anything leading to permanent, profound damage to the senses or personality.' Mr. Fredman said simply 'It is basically subject to perception. **If the detainee dies you're doing it wrong**'

People like Rizzo and Fredman should not be working for our government a single day longer. They should be impeached. They should be prosecuted. They should be given fair trials and be imprisoned if convicted. And all existing information on what they did should be made public. Fed up with waiting for Congress or the Justice Department to act, a coalition of groups headquartered at <http://DisbarTortureLawyers.com> has gone ahead and filed complaints with bar associations to have torture lawyers disbarred and to call attention to the need for further accountability. Having already filed complaints against 12 torture lawyers, Disbar Torture

Lawyers filed three more on Monday. Two of these were against Rizzo and Fredman.

Disbar Torture Lawyers [held a press conference](#) on Monday at the National Press Club, with remarks by Kevin Zeese, who filed the complaints, by Bruce Fein, a former Reagan administration lawyer, and by Shahid Buttar, Director of the Bill of Rights Defense Committee. I was not in town but am certain we can count on the Washington Post to give the story all the coverage it deserves.