

By Ryan J. Reilly

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Rep. Jerrold Nadler (D-NY) said Wednesday that President George W. Bush's recent [admission](#) that he approved the waterboarding of Khalid Sheikh Mohammed was "a smoking gun" and renewed his call for Attorney General Eric Holder to appoint a special prosecutor to investigate torture.

But Nadler, the current chair of the House Judiciary Subcommittee on the Constitution, Civil Rights and Civil Liberties, doesn't expect Holder to act.

"Judging by the record of this Attorney General, he will not pay attention, he will not respond," Nadler said in an interview on MSNBC on Wednesday. "And that is shameful."

Bush [said in an interview](#) that waterboarding is legal because his Justice Department lawyers said it was. The CIA asked Bush if he could use waterboarding. "Damn right," Bush boasted in his memoir that he replied.

That statement "absolutely indicts the president," Nadler said.

"It is a smoking gun, I'm dubious that [Holder] will do it because this administration unfortunately has taken the opinion, taken the attitude that they're not going to look at any criminal actions by, within the prior administration," Nadler said. "They say 'let's look forward, not backward.' By that standard no one would be prosecuted for any crime."

The human rights group Amnesty International [has called](#) for Bush to be prosecuted due to his admission.

Earlier this week, the Justice Department [announced](#) that no one would be charged for the destruction of CIA videotapes which showed the use of harsh interrogation methods against two other terrorism suspects.

Also this week, the Associated Press [reported](#) that DOJ officials reviewed and briefed two congressional committees on newly discovered e-mails sent by John Yoo, one of the former DOJ officials who came up with the legal justification for the use of waterboarding. Justice Department investigators [were originally told](#) that the e-mails could not be recovered.

After reviewing the new e-mails, which the AP said were also made available to the two congressional committees, DOJ stood by the [conclusion](#) that Yoo did not commit professional misconduct when he authorized CIA interrogators to use waterboarding and other harsh interrogation techniques.

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