



## **If Americans Don't Push For it, There Will Be No Accountability for Bush's Crimes**

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Posted on April 2, 2009, Printed on April 3, 2009

<http://www.alternet.org/story/134438/>

On March 30, Senator Patrick Leahy gave five Vermonters a half hour of his time. We were: Martha Hennessy, a peace activist from Weathersfield, John Nirenberg, a Brattleboro man who walked from Boston to Washington D.C. in 2007 to call for impeachment, Charlotte Dennett from Cambridge, who ran for Attorney General in Vermont in 2008 on a pledge to prosecute Bush, Kurt Daims, the author of the Brattleboro indictment resolution passed in 2008 and Dan DeWalt of Newfane, who has been active promoting impeachment and accountability. We were there to discuss the Senator's idea for a "truth commission" to investigate criminality by the Bush/Cheney administration, and our ideas about why only prosecutions of the culpable will give us a chance to prevent a recurrence of these crimes and abuses of the Constitution.

America, due to Bush/Cheney policy, has added torture to our standard operating procedure, even if it is now held in abeyance by the Obama administration. That morally reprehensible act, while now out of favor, is essentially legal and Constitutional because no Congressional objection has been made and no one has been held accountable.

We pointed out that we are a nation with a well established judicial system and it should be used as it was intended to be, or the American people will become forever estranged from the Congress and our ideals.

And we noted that commissions are usually inadequate when it comes to fully understanding events and their origins.

"We come here not out of anger," DeWalt began – and Leahy interrupted by saying, "I don't blame you if you are angry" – "but out of concern for the future of our country. We are deeply concerned about dangers to our democracy, with the trend going to executive power and damaging our constitution. We are a nation of laws. If we have a system of justice, why not let it take its course? It seems to many Americans that the rich and powerful don't have the same system of justice, and they're getting away with torture, murder, fraud, and Ponzi schemes." This contrasts starkly with the plight of the poor and the powerless who are daily paying the price of a failing system.

DeWalt handed him a copy of a complaint that will be filed by the Robert Jackson Steering Committee of the Massachusetts School of Law. Leahy said he was aware of that. He acknowledged that a judge in Spain was doing something similar.

The Senator didn't mince his words when it came to condemning some of the actions of Bush's "justice" department, but his response was more muted on the question of just how to effectively redress the damage.

"I'll keep going. I'm getting lots of information through subpoenas that many people told me we would never get." He was referring to memos coming out of the Office of Legal Counsel (OLC). "Opinions from the OLC have the weight of law," he said. Before Bush/Cheney, administrations had honored the content of those memos, even if they came from an earlier administration, but the OLC under Bush seems to have operated differently.

Leahy bemoaned the fact that he has not received enough support in Congress to implement his idea of a truth commission. "I can't get a single Republican to support it," he said, and doesn't think that it will happen. We responded by asking why not hold hearings in the judiciary committee into many of these nefarious actions and let that course of action lead to wherever it leads, including prosecutions if applicable. He didn't respond directly, but instead referred to his success at holding Attorney General Gonzales' feet to the fire until he was finally eased out of office by Bush. Leahy reminded us that the prosecutions for abuses at Abu-Garib only led to convictions of some low ranking soldiers, but offered no remedy as to how to hold accountable those who enacted the policy at the higher levels of power.

Martha Hennessy shared a personal story. She read from a letter from an inmate at Guantanamo that had been released through the Center for Constitutional Rights (CCR).

The letter had been classified and then declassified. The prisoner said that he thought there was a double standard for those who get justice and those who don't. Some of the detainees, many of whom have been tortured, have been waiting for seven years to either be put on trial or be released. Reports now indicate that most of the detainees at Guantanamo were innocent. "We need to put a personal face on the issue." said Hennessy.

Leahy acknowledged Martha's point, but had no response. He didn't acknowledge that the Constitution has been quietly amended as a result of Congressional inaction over the usurpation of unconstitutional power by the executive over the last eight years.

Indeed, the strongest impression he gave was that he is a senator who, while sharing our general beliefs about justice, can pragmatically only really operate within the parameters that are available to him in Washington. There was no indication that we would be seeing any more bold and daring moves like when he revealed classified information to a reporter in the Reagan era, putting at risk his own position on the Judiciary Committee in order to alert the nation to something he knew to be wrong.

Afterwards, his aide, Chuck Ross, returned to the group, took down names and then tried to explain that "with meetings like these," he didn't want us to think that the senator abruptly left as if he didn't care about what we had said. "He has been persistent in the face of obfuscation. He got rid of Gonzalez. I would challenge you to find someone who has done more to defend the Constitution." Ross said that Leahy had to function in a pragmatic way, saying "you should see what it's like to

take leadership in an unfriendly environment.”

DeWalt replied, "Understood, but he's our senator, and who else can we turn to? When you're down in the engine room and the boat is sinking, it doesn't matter how good of an engineer you are. You need to get up on top and do some steering. This is no ordinary time with no ordinary future."

This Patrick Leahy still clearly cares about what is right, but he has the air of a man who is being beaten down by the system. If we do not want him to recede into the twilight as a noble voice in the wilderness, then we had better figure out how to get him the support he needs to re-gird himself to battle for justice and honor in the halls of Congress. Meanwhile, the accountability ball is now in the court of those who want to press the Attorney General to appoint a special prosecutor. To make that happen, there must be a concerted show of political will. Remember what Obama said: "It's not up to me, it's up to you."

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