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June 9, 2009

Wallace E. Shipp, Jr
Office of Bar Counsel
Board on Professional Responsibility
District of Columbia Court of Appeals
515 5th Street NW
Building A, Suite 117
Washington, DC 20001

Re: Complaints against John Ashcroft, Jay Bybee, Douglas Feith, David Addington, Stephen Bradbury, Michael Chertoff, Timothy Flanigan, and Alice Fisher

Dear Mr. Shipp:

On May 18, 2009, we filed a bar complaint against the above named attorneys asserting violations of the rules of ethics by their advocacy of torture, which is defined under both US and international law as a violation of law, a felony and a war crime. After we filed that complaint, several new pieces of supporting information have been disclosed in the public domain that your committee should consider.

1. On May 29, 2009, in an interview with Fox News, General David Petraeus, discussing torture of detainees, said, "When we have taken steps that have violated the Geneva Conventions, we rightly have been criticized, so as we move forward I think it's important to again live our values, to live the agreements that we have made in the international justice arena and to practice those."
<http://www.harpers.org/archive/2009/06/hbc-90005079> (Article and Video)
2. On May 31, 2009, General Ricardo Sanchez, in an interview with MSNBC, stated that the use of torture on detainees, constituted a "war crime," and that a "truth commission" is necessary to address the "institutional failure" of those charged with decision making and accountability. http://www.huffingtonpost.com/jack-hidary/general-rick-sanchez-call_b_209573.html (Article and Video)
3. On June 8, 2009, emails relating to the OLC torture memos were released and reported on. We have attached three relevant emails as Exhibit A. In those, discussed in detail here <http://www.truthout.org/060809J>, there are numerous references to attorneys succumbing to politicized pressure from the White House to approve the torture memos in order to provide cover for the use of torture. In fact, Deputy Attorney General James Comey told AG Gonzales that the torture

opinion “would come back to haunt [him] and DOJ and urged him not to allow it.”

4. In addition to the above new information, we also bring to your attention the resolution adopted by the American Bar Association condemning “any use of torture ... ***and any endorsement or authorization of such measures by government lawyers, officials and agents;***” Attached as Exhibit B

The actions of the above attorneys were essential to the use of torture on detainees. All dissenting voices in the military, intelligence and justice agencies were pushed aside in favor of using a flawed statement of the law to provide political cover for torture.

[1] <http://www.youtube.com/watch?v=ap0spQ2dkNw>

[2] “What Went Wrong: Torture and the Office of Legal Counsel in the Bush Administration” -- Senate Judiciary Committee, Subcommittee on Administrative Oversight and the Courts; DATE: May 13, 2009; TIME: 10:00 AM; ROOM: Dirksen-226

<http://judiciary.senate.gov/hearings/hearing.cfm?id=3842>

<http://judiciary.senate.gov/webcast/judiciary05132009-1000.ram>

[3] Ari Shapiro, “Did White House OK Earliest Detainee Abuse?,” All Things Considered, May 20, 2009.

<http://www.npr.org/templates/story/story.php?storyId=104350361>

Sincerely,



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