

Subject: We are pleased that the Senate voted to confirm you last night as Attorney General of the United States

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From:

We are pleased that the Senate voted to confirm you last night as Attorney General of the United States. As you take office, we strongly urge you to immediately receive briefings on the CIA interrogation program and to publicly declare that the technique known as "waterboarding" is illegal.

We appreciate your acknowledgement that waterboarding is "over the line" and "repugnant." As we have previously noted, waterboarding, under any circumstances, represents a clear violation of U.S. law. In 2005, the President signed into law the so-called "McCain Amendment," a prohibition on cruel, inhuman, and degrading treatment as those terms are understood under the standards of the U.S. Constitution. We expressed then our strong belief that a fair reading of this legislation outlaws waterboarding and other extreme techniques.

Whether or not the Administration took a contrary view, it is incontestable that such techniques are outlawed by the 2006 Military Commissions Act. Indeed, during the negotiations that led to the MCA, we were personally assured by Administration officials that waterboarding was prohibited under the new law.

We expect that you will reach the same conclusion. Given your recognition that the President cannot waive congressionally mandated restrictions on interrogation techniques, it is vital that you publicly declare waterboarding illegal. By doing so, our nation can finally put this issue behind us.

We must do so. We support a robust offensive to wage and prevail in the war on terror. But as we confront those committed to our destruction, it is vital that we never forget that we are, first and foremost, Americans. The laws and values that have built our nation are a source of strength, not weakness, and we will win the war on terror not in spite of devotion to our cherished values, but because we have held fast to them.

Congratulations on your confirmation as Attorney General. The scenarios you previously described as hypothetical are no longer so, and you now have the benefit of full access to classified programs and memoranda. We urge you to acquaint yourself immediately with these matters and take the opportunity to make clear that waterboarding is illegal and can never be employed. We look forward to working with you and the Department on this and other matters.