

To: minneapolis@ic.fbi.gov

Subject: Report of Violation of 18 U.S.C. Sec. 2340A (c)

To whom it may concern:

We would like to report a violation of 18 U.S.C. Sec. 2340A (c), conspiracy to commit torture, the substantive offense being described in Sec. 2340A (a).

We refer you to the following videotape, which can be found at http://www.youtube.com/watch?v=jjEED_iViTA&feature=player_embedded. At approximately 5:22 of this video, the following conversation occurs:

Questioner: So I read in a recent report recently, um, it said that, uh, you, you did a memo, you were the one who authorized torture, uh, to the secret

Condoleezza Rice: Is that what you read?

Questioner: I'm sorry, not torture, I'm sorry.

Rice: Thanks.

Questioner: Waterboarding.

Rice: Uh-huh.

Questioner: Waterboarding. Is waterboarding torture?

Rice: Uh, the President instructed us that nothing we would do would be outside of our obligations, legal obligations, under the Convention against Torture. So that's, and by the way, I didn't authorize anything. I conveyed the authorization of the Administration to the agency that they had policy authorizations, subject to the Justice Department's clearance.

Questioner: Okay.

Rice: That's what I did.

Questioner: Is waterboarding torture in your view?

Rice: And I just said the United States was told, we were told, nothing that violates our obligations under the Convention against Torture. And so, by definition, if it was authorized by the President, it did not violate our obligations under the Convention against Torture.

This statement is consistent with a United States Senate Intelligence Committee report released on April 22, 2009, that indicates Ms. Rice personally conveyed the Administration's approval for waterboarding Abu Zubaydah to the then CIA director, George Tenet, in July 2002. This was

prior to Department of Justice Office of Legal Counsel completing the so-called "torture memos," the first of which was completed on Aug. 1, 2002.

Ms. Rice, as National Security Advisor to the President of the United States, surely should have known, or was in a position to know, that regardless of pending "Justice Department clearance," waterboarding constituted torture under U.S. law. She knew, or should have known, that in the Japanese War Crimes Trials subsequent to World War II, people were prosecuted for precisely this offense. Moreover, waterboarding clearly comes within the definition of torture, as found in 18 U.S.C. Sec. 2340 (1), where it is defined as follows: "'[T]orture' means an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control."

When Ms. Rice admits to "conveying" the authorization, it is our belief that she is not claiming she was simply a messenger delivering a package. We believe she orally conveyed the message, after having been involved in previous discussions about waterboarding detainees. In the Fall of 2008, Ms. Rice acknowledged to the Senate Armed Services Committee that she had attended meetings where the CIA interrogation request was discussed.

We believe this constitutes a conspiracy to commit torture in violation of 18 U.S.C. Sec. 2340A (c).

On Sunday, November 8, 2009, at approximately 6:00 p.m., Ms. Condoleezza Rice will be present at Beth El Synagogue, 5224 West 26th Street, St. Louis Park, Minnesota.

Clearly, there is probable cause to believe a crime has been committed, and Condoleezza Rice, among others, is one of the perpetrators. If you do not come to a similar conclusion, surely there is enough evidence to bring her in for questioning. Frankly, Ms. Rice has been a fairly public person, and we are surprised that she has managed to evade federal authorities thus far. Please feel free to email us if we can be of further assistance.

Sincerely,

Deborah K. Andresen, Roger Cuthbertson, Patricia Guerrero,
Robert A. Heberle, Sonja Johnson, Coleen Rowley,
Lois Swenson and Chuck Turchick,
Members of Tackling Torture at the Top

cc: U.S. Attorney, District of Minnesota
Judge Baltasar Garzon