



Written by [Thomas R. Eddlem](#) on January 17, 2009

Holder's Hopeful Words on Waterboarding

The exchange above was perhaps the first truly hopeful exchange for constitutionalists since Obama's election. The mark of Obama's transition period has been one of back-tracking on the few positive changes his campaign promised, such as to end the war in Iraq.

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The *New York Times* [noted](#) on January 17 that "his statement, amounting to an admission that the United States may have committed war crimes, opens the door to an unpredictable train of legal and political consequences." His words are also a refreshingly honest assessment from a cabinet-level post, something which has been lacking for two decades from the executive branch. And it's also a promise, albeit one which could be broken later, that the federal government would return to constitutional bounds in at least this one area.



Constitutionalists argued throughout the Bush Administration that torture was blatantly unconstitutional under the [Eighth Amendment](#), that it was contrary to [the principles of Christianity upon which the Constitution was based](#) (Christ himself was tortured before death), and that military intelligence experts oppose torture as a method of interrogation because it [yields false information](#). In short, torture is unconstitutional and un-Christian, and it doesn't work. And under the Bush administration, it was always performed upon people who hadn't been convicted of a crime (i.e., people who had not been found guilty and might have been innocent).

The Bush torture policy, though [Bush dishonestly claimed "we do not torture,"](#) proved the constitutionalist case over the last six years. Tortured detainees [named innocents who were later detained and sometimes tortured themselves](#). [Other innocent detainees](#) were tortured after being picked up [in a case of mistaken identity](#) or [for insignificant acquaintances](#) for worshipping in the same mosque as a terrorist suspect.

Many conservatives were supportive or silent on the issue of torture under the Bush administration, perhaps under a misguided loyalty to the man in the office rather than to the Constitution he was bound and sworn to serve under.

We can expect many of these Republican conservatives to now come out in opposition to granting the Obama administration this same unrestrained and unconstitutional power. They should be welcomed back into the constitutional fold with open arms, though they should be kindly reminded that unconstitutional powers granted under Republican administrations often transfer easily to Democratic



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administrations.

And the ability to torture citizens without any checks or limits — as was claimed by the Bush Administration — is the most tyrannical power that could be granted to any government officer, excepting only a license to kill.

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