THE TORTURE MEMOS:
LAWS DIDN'T APPLY TO INTERROGATORS

DIRECTIONS: Read the article and answer the questions below – “T” for True and “F” for False.

1. ____ The Justice Department sent a legal memo to the Pentagon in 2003 asserting that the laws that prohibit assault, maiming and other crimes do not apply to military interrogators who questioned Al Qaeda captives.

2. ____ The memo indicated that the President, as commander in chief does not, on his own have the ability to override laws regarding assault and maiming.

3. ____ The memo prohibited the use of mind-altering drugs on detainees.

4. ____ The existence of the memo was a total surprise to the press and public.

5. ____ Nine months after it was issued, the Justice Department told the Defense Department they could still use it to shape policy.

6. ____ The memo was created and sent by John Yoo, a deputy in the Justice Department’s Office of Legal Counsel (OLC).

7. ____ The memo made an argument for nearly unfettered presidential power during a time of war.

8. ____ Interrogators who harmed a prisoner were not protected by a national and international version of the right to self-defense.

9. ____ An act by an interrogator would have to be inspired by malice or sadism before it could be prosecuted, according to Yoo’s memo.

10. ____ The successor to Yoo (Jack Goldsmith) wrote that the memos were legally sound in their sobriety and legal analysis.

11. ____ In 2005, Congress limited Defense Department officials to interrogation methods in the Army’s field manual, and included actions by the CIA.
President Bush vetoed legislation that would have applied limits on interrogation practices to the CIA.

According to Yoo, the Justice altered it’s opinions for “appearances sake.”

After a rebellion by military lawyers, then Defense Secretary Donald Rumsfeld, in 2002, suspended a list of aggressive techniques he had approved.

The techniques approved by Rumsfeld at Guantanamo Bay, included stress positions, nudity, hooding, exposure to dogs and other aggressive techniques.

Largely because of Yoo’s memo, a Pentagon working group in 2003 endorsed the continued use of extremely aggressive tactics.

According to Thomas Romig, an Army’s judge advocate general, the memo appears to argue that there are no rules in a time of war, which he believed to be “downright offensive.”

According to Martin Lederman, lawyer with the Office of Legal Counsel, Yoo’s memo had nothing to do with the prisoner abuses at Abu Ghraib.

Lederman said that the memo created a belief on the ground that laws did not apply to them, and it was a law-free zone.

According to General Counsel Alberto Mora, Yoo glibly defended his memo saying the President could legally order the application of torture.

**FINAL QUESTION**

What do you think of John Yoo’s memo? Is it moral and ethical to allow a President to order the torture of other people, including suspected terrorists arrested in Afghanistan and Iraq? Justify your answer.