

ARE BRADBURY'S TWO 2006 OLC OPINIONS STILL ACTIVE?

Help me do the math on this for a second.

On April 15, 2009 (just one day before the release of them), OLC withdrew the August 1, 2002 Bybee Two memo, the May 10, 2005 Techniques memo, the May 10, 2005 Combined memo, and the May 30, 2005 CAT memo.

On April 21, 2009, Spencer reported on the July 20, 2007 memo authorizing dietary manipulation, sleep deprivation, and four coercive techniques; SSCI reported on it officially the next day, April 22.

That memo was withdrawn on June 11, 2009.

But unless I'm mistaken, Bradbury's two memos from August 31, 2006 remain in place (one, two). These memos authorize six conditions of confinement: blocking detainee vision, isolation, white noise, 24-hour light, shackling, and forced shaving.

While several of those are used in domestic prisons, the others—and the techniques used in combination—seem pretty transparently designed to achieve the kind of disorientation achieved by sensory deprivation even while claiming not to be doing so. The techniques, used in combination, could easily be sleep deprivation and/or stress positions in disguise. The memos claim to need these techniques precisely because these detainees are not held in real prisons, which they could be, if the CIA were not so secretive with its program. Moreover, the memos appear to be bound by the same pained logic as Bradbury's earlier memos and indeed rely on some of the same propaganda documents in their logic. If we're going to authorize shackles and isolation, let's do it with a sincere concern for safety and security, not one used to pretty up a coercive philosophy that remains in place.

By all means keep these detainees in secure facilities. But let's do so without retaining the twisted logic of the Bush Administration.