

SENATE ARMED SERVICES TORTURE HEARING, FOUR (HAYNES)

Haynes: How our country deals with this unprecedented threat. This is as it should be. The end of this can only come with history's judgment of how our Administration served in protecting America. We know that America's enemies are relentless. I look forward to watching our nation's leaders to advancing our nation's security and freedom.

[Alright, Levin, just like you did to Ickes.]

Levin:

SENATE ARMED SERVICES TORTURE HEARING, THREE

Graham: I understand from Schmitt-Furlow report that a dog was used in interrogation.

Beaver: I was not aware of it.

Graham when you said this didn't happen at Gitmo, you're not right.

Beaver: What was approved did not happen.

Graham Who did this?

Beaver: I don't know.

Graham it was part of interrogation plan. Also strip-searched in front of female personnel.

SENATE ARMED SERVICES TORTURE HEARING, TWO

Here are the documents released by the committee.

Are here are some links to Spencer Ackerman's work on this: [here](#), [here](#), [here](#), and [here](#).

McCaskill: We disrespect men and women who serve if we don't have this hearing. Did you review Beaver opinion?

Shiffin:No

McCaskill: If you came across phrase, "immnuity in advance," would it cause you pause?

Shiffrin:

SENATE ARMED SERVICES TORTURE HEARING

The Senate Armed Services Committee has a hearing on torture that promises to feature fireworks.

CAN'T GITMO DIRTY -

THE PENULTIMATE STRAW

I want to bring attention to something that really sank in for me yesterday morning and that a few people are starting to pick up on, but not many, and not nearly enough. First the Cheney Administration sacked the military judge that had the gall to allow even a shred of due process to the detainees, and now they have effectively sacked the military lawyers that had the temerity to seek it. This was a knowing and intentional play to deny counsel.

THE DHS REPORT ON MAHER ARAR

Marty Lederman links to the DHS OIG report on Maher Arar's transfer to and subsequent torture in Syria. It's really really ugly reading, even though they've obviously redacted a lot of the paragraphs that ought to reveal the decision making process by which we decided sending Arar home to Canada or even to Switzerland so instead sent him to be tortured (many of the redacted paragraphs are marked with "U's,"

THE JAG DISMISSES THE UNITARY EXECUTIVE

Golly. The JAG doesn't think much of John Yoo's unitary executive theories.

JOHN YOO V. ALICE FISHER AND MICHAEL CHERTOFF

The Yoo Torture Memo claims that OLC had consulted with the Criminal Division about which statutes would not be applied to the military during the conduct of war:

The Criminal Division concurs in our conclusion that these canons of construction preclude the application of the assault, maiming, interstate stalking, and torture statutes to the military during the conduct of a war.

“THE WATERBOARD”

When the CIA OIG refers to water-boarding, they refer to it as “the water board.” Makes it sound even more medieval, doesn’t it?

SECOND WORKING THREAD ON DOJ OIG TORTURE REPORT

A second working thread for the DOJ OIG report on torture—now with a searchable text!