



Written by [Thomas R. Eddlem](#) on February 18, 2009

Justice Department's Torture Inquiry

Yoo was the primary author of a [2002 memorandum](#) that was issued under Bybee's name. That memorandum served as the primary justification for brutal torture techniques, including waterboarding. The memorandum stated that none of the detainees was subject to the Geneva Conventions and that government officials were exempt from the federal [torture statute](#) if they kept the pain level below that of "organ failure or death." Strangely, the memorandum apparently gave the green light to waterboarding, even though that form of torture is [actual drowning that simulates death](#) where the victim is revived at the very last moments before brain damage ensues.



The Yoo/Bybee memorandum was withdrawn in 2004 and replaced by several still-classified memoranda written by Bradbury. The New York Times reported that the report will be authored by the head of the Justice Department's Office for Professional Responsibility (OPR), H. Marshall Jarrett, and all that remains is to receive the Bush officials' replies for inclusion in the report.

Senators Dick Durbin (D-Ill.) and Sheldon Whitehouse (D-R.I.) [asked](#) the OPR to keep them updated on the report, and to release an unclassified version of it to the public.

News of the Justice Department inquiry comes as a large body of information has been made public about the extent of the torture that took place [at Guantanamo](#) and other places. The testimony comes not just from the accusations of released detainees, but from [U.S. soldiers who have decided to speak out](#) and [declassified Defense Department documents](#).

A true test of the Obama administration is whether the report begins a coverup of the Bush-era crimes, or if prosecution for [felony torture](#) is initiated as a result of the report.

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