



A Conspiracy to Prevent Torture Prosecutions?

It's worth asking why Yoo would do this. After all, what does he stand to benefit from such a commitment? Nothing, apparently, unless some details of the report were worked out beforehand to his benefit (such as, one might suggest, no prosecutions).

Yoo's attorney Miguel Estrada told the *Post* that "as a condition of permitting me to represent Professor Yoo in this matter, the Department of Justice required me to sign a confidentiality agreement. As a result of that agreement, there's nothing I can say."



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Of course, if there was any possibility of Yoo being criminally prosecuted, there would have been no special confidentiality agreement and Yoo could have hired any attorney he wanted. Clearly, he hired a lawyer with the idea of manipulating the investigation away from a criminal investigation.

And it appears he has been successful thus far. The reputedly 200-page memoranda does not contain any recommendations for prosecutions, though the threshold of [felony torture](#) was clearly met (not to mention the "cruel and unusual punishments" prohibition in the [Constitution's Eighth Amendment](#)).

The Bush administration's policy of "harsh treatment" under the [recently released "torture memos"](#) mentioned not causing "severe pain," but a careful reading of the memos would reveal a more accurate summary as: "causing as much unbearable pain as possible without leaving a mark." That pretty much defines the word torture.



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