

application of the Geneva Conventions. Amidst press reports of this raging dispute, Cheney went on two Sunday talk shows on Jan. 27, where he was asked about Powell's objections.

On ABC's "This Week," Cheney attacked Powell's position, asserting that "the Geneva Convention doesn't apply in the case of terrorism." He went on:

"These are bad people. I mean, they've already been screened before they get to Guantanamo. They may well have information about future terrorist attacks against the United States. We need that information, we need to be able to interrogate them and extract from them whatever information they have."

The debate over just what was permissible in order to "extract" such information, continued through 2002 and into 2003. At every point, it was Addington and Flanigan, working through the John Yoo and the DOJ Office of Legal Counsel, who pressed the Schmittlerian doctrine that the President as Commander in Chief (i.e., the Leader) could unilaterally determine which laws to obey, and which to disregard.

Planning for War Crimes

There is no question that they knew exactly what they were doing, and that they recognized that the actions they were proposing, constituted war crimes under U.S. and inter-

The 'Torture Trio'

David S. Addington: Counsel to the Vice President, and now Cheney's Chief of Staff, replacing Lewis Libby, who resigned when he was indicted in late October 2005. Addington was Assistant General Counsel at the CIA from 1981-84, and then went to work for various Congressional committees; he hooked up with Cheney during their work together in the Minority for the Iran-Contra investigation. When Cheney became Secretary of Defense in 1989, under Bush 41, he brought Addington in as a Special Assistant, famously giving him an office adjacent to his own, which was normally occupied by a military aide. He was later promoted to General Counsel of the Department of Defense, where, according to military sources, he served as Cheney's personal hatchet-man, purging the ranks of the uniformed military of officers who resisted Cheney's commitment to the doctrine of preventive nuclear war. During the interregnum of the Clinton years, he worked for private law firms, and in the mid-1990s, he formed a political action committee which was Cheney's vehicle for exploring a Presidential bid.



White House/David Bohrer

David S. Addington

Timothy E. Flanigan: As Deputy White House Counsel (i.e., Alberto Gonzales's deputy) during 2001 and 2002, Flanigan was a key player in all the discussions around detainee policy and in the development of the "torture memos." During the Bush 41 Administration, he was an Assistant Attorney General in the Justice Department's Office of Legal Counsel—the office responsible for advis-

ing the Executive Branch on the constitutionality of actions and legislation, and a stronghold of "unitary executive" proponents during Republican Administrations.

In September 2005 President Bush nominated Flanigan to be Deputy Attorney General, but he was forced to withdraw the nomination a month later because of both Flanigan's role in the torture memos, and his later role as General Counsel of Tyco International in 2003-04, where he supervised the lobbying activities of the now-indicted Jack Abramoff. Earlier, Flanigan had received over \$800,000 from the Federalist Society in "consulting fees," ostensibly to write an "unauthorized biography" of Supreme Court Justice Warren Burger.

John C. Yoo: Although only a Deputy Assistant Attorney General in the DOJ Office of Legal Counsel, in the first three years of the Bush-Cheney Administration, Yoo wielded inordinate influence due to his close ties to Addington and Flanigan, to the chagrin of senior Justice Department officials, according to a report in the Dec. 23, 2005 *New York Times*, which also noted that he was able to bypass normal DOJ channels to send his memos directly to the White House. Yoo had clerked for Judge Lawrence Silberman at the D.C. Court of Appeals, and then Justice Clarence Thomas at the Supreme Court; both judges have been key figures in the Federalist Society, in which Yoo himself was extremely active. Having earlier come to Flanigan's attention, Yoo hooked up with Flanigan again on Bush's legal team in the 2000 Florida recount, whence Flanigan sponsored his appointment to the Justice Department's OLC.



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