

JOAN LARSEN ON TORTURE

Highlights:

- Joan Larsen was in favor of expanding the power of the executive branch to torture and limit the legal rights of captured detainees.
 - Larsen supported the executive branch being able to torture U.S. detainees in the name of stopping future terrorist attacks.
 - Larsen reportedly authored a memo about whether detainees from Bush's war on terror could legally challenge their detention.

Larsen Was In Favor Of Expanding The Power Of The Executive Branch To Torture And Limit The Legal Rights Of Captured Detainees

LARSEN SUPPORTED THE EXECUTIVE BRANCH BEING ABLE TO TORTURE U.S. DETAINEES IN THE NAME OF STOPPING FUTURE TERRORIST ATTACKS

Larsen Wrote An Op-Ed Opposing An Amendment That Banned The Torture Of U.S. Detainees Because It Would Undermine Bush's Authority To Supervise The Unitary Executive Branch

Larsen's Op-Ed Defended Bush's Use Of Signing Statements To Ignore An Amendment That Would Bar U.S. Officials From Torturing Detainees. According to SCOTUSblog, "And in a 2006 op-ed for The Detroit News, Larsen defended then-President George W. Bush's use of signing statements against a resolution by the American Bar Association that decried them as 'contrary to the rule of law and our constitutional separation of powers.' Those statements had included one that accompanied Bush's signature on legislation, introduced by Sen. John McCain, that would bar U.S. officials from torturing detainees; Bush had indicated that he could waive the ban to protect the country from terrorist attacks." [SCOTUSblog, [1/9/17](#)]

- **Bush Issued A Signing Statement That Rejected A McCain Amendment That Banned The Torture Of U.S. Detainees Anywhere In The World, Bush Argued It Would Not Allow Him To Protect The U.S. From Future Terror Attacks.** According to ProPublica, "President Bush has vetoed fewer bills than any president since Warren G. Harding, but not because his views always jibe with Congress. He prefers a suppler, quieter tool that can't be overturned by congressional majorities: the signing statement. [...] One notorious statement rejected the McCain amendment's provision banning the 'cruel, inhuman, or degrading treatment or punishment' of detainees in U.S. custody, anywhere in the world. Bush backed Sen. John McCain and signed the law, but in his attached statement, argued that the provision would undermine his authority 'to supervise the unitary executive branch' and his ability to protect Americans from future terrorist attacks." [ProPublica, [1/7/09](#)]

Larsen On Bush Ignoring The Anti-Torture Amendment: "If Circumstances Arose In Which The Law Would Prevent Him From Protecting The Nation, He Would Choose The Nation Over The Statute." According to SCOTUSblog, "Larsen wrote that the 'presence of a signing statement only gives notice of the president's view of his constitutional commitment, and giving notice is usually thought to be a good thing.' Addressing the anti-torture signing statement, Larsen interpreted Bush's comments to signal that, 'if circumstances arose in which the law would prevent him from protecting the nation, he would choose the nation over the statute' – an expansive view of the president's power." [SCOTUSblog, [1/9/17](#)]

LARSEN CO-AUTHORED A MEMO PROVIDING LEGAL JUSTIFICATION FOR TORTURE

Larsen Worked For The Office Of Legal Counsel During The Bush Administration, Which Authored Memos That Provided Advice On And Justification For Interrogation Techniques. According to SCOTUSblog, "After a stint in

private practice in the Washington office of Sidley Austin, Larsen served as a deputy assistant attorney general in the Department of Justice during the George W. Bush administration. Larsen worked in the Office of Legal Counsel, which provides legal advice to the president and the executive branch. During Larsen's time at OLC, other lawyers in the office authored memos that provided advice on and justification for interrogation techniques such as waterboarding and sleep deprivation." [SCOTUSblog, [1/9/17](#)]

Larsen Said She Had Not Played Any Role In The Creation Of The Memos But It Was Later Revealed That She Co-Author A Memo That Addressed Whether Detainees In The War On Terror Could Go To Court To Challenge Their Detention. According to SCOTUSblog, "When Michigan Governor Rick Snyder nominated her to serve on the Michigan Supreme Court in 2015, Larsen told reporters that she had not played any role in the creation of the memos, explaining that 'those national security measures in the Justice Department were classified.' Larsen apparently served as co-author of a March 2002 memo that addressed whether detainees in the war on terror could go to court to challenge their detention, but the memo itself has not been made public." [SCOTUSblog, [1/9/17](#)]