



Written by [Thomas R. Eddlem](#) on August 4, 2011

Bush Torture Lawyer Steven Bradbury Advising Romney Campaign

"Our nation needs a Congress and an Executive branch that are cognizant of the bounds of their powers," Mitt Romney [wrote](#) in an August 2 statement announcing the advisory committee. But with Bradbury on the advisory committee, there would be no bounds to executive power.

The [Yoo-Bybee memo](#) that Bradbury approved was an exercise in legally defining torture out of existence, no matter how brutal the treatment. The memo stated essentially that any type of treatment could be legal unless it left a scar and created "major organ failure." The Yoo-Bybee memo (and several others that followed) explicitly justified threatening imminent death by drowning through the waterboarding torture.



The Bush-era Office of Legal Counsel that Bradbury ran [also justified](#) indefinite detention without trial in the "war on terror" (including the detention of U.S. citizens), unlimited domestic warrantless surveillance, and abrogation of the Posse Comitatus Act, which bans use of the U.S. military domestically.

The Romney campaign's chief legal advisor is Robert Bork, who wrote a campaign statement appearing to justify much of the Bush-Bradbury executive power grab. Bork wrote a guest blog [claiming](#) that Obama had not been ruthless enough "in Guantanamo detainee litigation," adding that "the administration has declined to make the most obvious legal arguments, apparently for political reasons."

This coincides with Mitt Romney's own contempt of the [Fifth and Sixth Amendments to the U.S. Constitution](#), which guarantee *habeas corpus* rights and a trial and representation by a lawyer to all prisoners of the federal government. Romney boasted in a [May 15, 2007 debate](#) in South Carolina that he did not want to close down the brutal Guantanamo Bay prison:

I want them on Guantanamo, where they don't get the access to lawyers they get when they're on our soil. I don't want them in our prisons. I want them there. Some people have said, we ought to close Guantanamo. My view is, we ought to double Guantanamo.

In that same debate, Romney explicitly endorsed "enhanced interrogation techniques," a code word for torture used during the Bush administration.

Of course, a candidate who (along with his top advisors) openly defends the unchecked ability of a President to put anyone in a dungeon for torture without a trial or even a court appearance justifying



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his detention cannot reasonably expect support from any freedom-loving person, even if that candidate takes a "no new taxes" pledge. (In Romney's case, he proposed dozens of tax increases as Massachusetts Governor, but [called the tax increases "fees" and "closing loopholes."](#))

The Romney list of legal advisors also [includes](#) former Bush administration Homeland Security Secretary Michael Chertoff.

Photo of Steven Bradbury: AP Images



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