

## Judge asked to testify about harsh inquiry

by UPI

WASHINGTON -- A federal judge has been asked to testify before Congress about his role in preparing memos allowing severe interrogation of prisoners, officials say.

The two Justice Department memos in question permitted interrogators to engage in techniques such as simulating drowning and slamming prisoners against a wall, The Washington Post reported.

Federal Judge Jay S. Bybee, who wrote the memos, has been on the U.S. Court of Appeals for the past six years and offered advice to the Bush administration about whether CIA interrogation methods would violate laws banning torture.

His signature appears on 2002 memos that determined that al-Qaida suspect Zayn al-Abidin Muhammed Hussein, better known as Abu Zubaida, could be deprived of sleep for as long as 11 days and could be subjected to waterboarding.

"There is significant concern about the legal advice provided by OLC (Office of Legal Counsel) while you were in charge, how that advice came to be generated . . . and the role played by the White House," Senate Judiciary Committee Chairman Patrick J. Leahy, D-Vt., said in a letter to the judge.

Bybee previously headed the Justice Department's OLC. A year after the memos in question were issued, Bybee was confirmed by the Senate to the federal bench.

Bybee, one of three Bush OLC lawyers under investigation by Justice Department ethics watchdogs, defended his conclusion as difficult on a narrow question but legally correct.

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