

DATES

MadDog is right. This AP article provides a slew of interesting details on the torture tapes, including a list of Administration lawyers who objected to the destruction of the tapes. The article adds Alberto Gonzales and John Bellinger to the list of White House lawyers who—along with Harriet Miers—objected to the destruction of the tapes.

But no David Addington. Funny. Who would have thought that Addington would be the one lawyer who—at least thus far—doesn't appear in records as having objected to the destruction of the tapes?

But there are a few more details I'd like to focus on. First, the AP offers a list of who Reyes plans to invite to testify to HPSCI, and it includes the CIA lawyers who wrote the opinion used—however fraudulently—to justify the destruction of the tapes.

Reyes also wants the CIA to make available CIA attorneys Steve Hermes, Robert EATINGER, Elizabeth Vogt and John McPherson to testify before the committee. Former CIA directors Porter Goss and George Tenet, former deputy director of operations James L. Pavitt and former general counsel Scott Muller are also on the list.

No mention of Negroponte, who apparently advised strongly against the destruction in 2005, when he was DNI (and presumably should have had significant sway over the decision). Hey Silvestre Reyes! Didn't you get Isioff's telegram?

For now, though, I'd like to return to the issue of timing, because it looks like somebody is fudging the true nature of the discussion by playing with the dates of discussions on the destruction of the tapes. John Bellinger is out there saying that in 2003, at least, the White

House "consensus" objected to the tapes' destruction.

Another of the administration attorneys, John Bellinger, then a lawyer at the National Security Council, has told colleagues that administration lawyers came to a consensus that the tapes should not be destroyed, said a senior official familiar with Bellinger's account of the 2003 White House discussion. Bellinger could not be reached for comment.

But Scott Muller, then CIA Counsel, says he didn't consult with the White House in 2003—the CIA decided what they would do within the agency.

Muller did not seek White House input in 2003 because he believed the issue had been decided within the agency, the officials said.

This is pretty odd, considering that 1) the CIA claims to have briefed Congress on the tapes in 2003, and 2) NYT says they White House was involved in the discussion in 2003.

But then there's this briefing in 2004—of which there is a paper record.

Among the documents the House Intelligence Committee could see is a May 2004 memo Muller wrote recording details of a meeting with White House officials that occurred as the Bush administration was scrambling to deal with the unfolding Abu Ghraib prison abuse scandal. According to these officials, the White House raised the issue in that meeting and recommended the tapes be retained intact.

This appears to be the same briefing that Michael Hayden already discussed with the SSCI.

CIA Director Michael V. Hayden told lawmakers privately last week that three White House lawyers were briefed in 2004 about the existence of videotapes showing the interrogation of two al-Qaeda figures, and they urged the agency to be "cautious" about destroying the tapes, according to sources familiar with his classified testimony.

The three White House officials present at the briefing were David S. Addington, then Vice President Cheney's chief counsel; Alberto R. Gonzales, then White House counsel; and John B. Bellinger III, then the top lawyer at the National Security Council, according to Hayden's closed-door testimony before the Senate intelligence committee.

So this suggests the Administration, in a panic after the Abu Ghraib images came out on April 28, revisited the question of the torture tapes. But that's a full nineteen months before the tapes were destroyed. What happened in between those two dates?

Note: I'm finally going on my delayed roadtrip to the East Coast. Will be driving most of the day, so I'm leaving you in the very capable hands of bmaz.