

LYING TO CONGRESS BEFORE THE TORTURE TAPES

This morning I suggested that one reason the CIA destroyed the torture tapes was to protect the European countries in which the interrogations took place. I then showed that Mary McCarthy, who was fired from the CIA for allegedly serving as a source for Dana Priest's black sites article, claims that a high level CIA official (who is likely to have been involved in the torture tape destruction) lied to Congress in the lead-up to the McCain Amendment and, therefore, in the lead-up to the destruction of the terror tapes. Now, I'd like to show how the lies alleged by McCarthy coincide with Jello Jay Rockefeller's attempts to learn more about the CIA's torture practices (I've updated my torture tapes timeline accordingly).

McCarthy alleges that a senior CIA official lied to Congress on two occasions. Once, to HPSCI (and particularly Jane Harman), in February 2005.

In addition to CIA misrepresentations at the session last summer, McCarthy told the friends, a senior agency official failed to provide a full account of the CIA's detainee-treatment policy at a closed hearing of the House intelligence committee in February 2005, under questioning by Rep. Jane Harman (Calif.), the senior Democrat.

And once, to staffers of (presumably) SSCI, in June 2005:

A senior CIA official, meeting with Senate staff in a secure room of the Capitol last June, promised repeatedly that the agency did not violate or seek to violate an international treaty that bars cruel, inhumane or degrading

treatment of detainees, during interrogations it conducted in the Middle East and elsewhere.

While Harman has only publicly noted her written objection to the terror tape destruction in 2003, Jello Jay has outlined his attempts to exercise oversight over the CIA's torture.

In May 2005, I wrote the CIA Inspector General requesting over a hundred documents referenced in or pertaining to his **May 2004 report on the CIA's detention and interrogation activities.** Included in my letter was a request for the CIA to provide to the Senate Intelligence Committee the CIA's Office of General Counsel report on the examination of the videotapes and whether they were in compliance with the August 2002 Department of Justice legal opinion concerning interrogation. The CIA refused to provide this and the other detention and interrogation documents to the committee as requested, despite **a second written request to CIA Director Goss in September 2005.**

It was during this 2005 period that I proposed without success, both in committee and on the Senate floor, that the committee undertake an investigation of the CIA's detention and interrogation activities. [my emphasis]

Jello Jay makes it clear that he, at least, had read the IG report on CIA's interrogation programs by May 2005 (at least, that's what the May 2004 document appears to be). Presumably, some of Jello Jay's staffers at least knew of the report and its general allegations. And Jello Jay made two requests for documents referenced in the IG report—once in May 2005 (before the CIA official lied to SSCI staffers) and once in September 2005 (still two months before the CIA destroyed the tapes). Since Jello

Jay appears to have been working from a copy of the IG report that apparently judges that CIA's interrogation methods amount to cruel and inhuman treatment, the questions the SSCI staffers asked the senior CIA official were undoubtedly very pointed questions. In fact, note the description of the question relayed via McCarthy's friends: the CIA official "promised repeatedly that the agency did not violate or seek to violate an international treaty that bars **cruel, inhumane or degrading treatment** of detainees" [my emphasis]. From reports of the IG report, that is precisely the language Helgerson used.

A report by Mr. Helgerson's office completed in the spring of 2004 warned that some C.I.A.-approved interrogation procedures appeared to constitute cruel, inhuman and degrading treatment, as defined by the international Convention Against Torture.

In other words, this CIA official appears to have been asked questions that directly pertain to material included in the IG report. But he appears to have denied facts that presumably are laid out in some detail in the report. And then, five months later, the CIA, possibly with the direct participation of this CIA official, decided to destroy tapes that proved he had lied to Congress.

But the CIA would have you believe that they destroyed the tapes to protect their own image.