HAYNES, ARMED SERVICES, PERJURY?

Scott Horton has more on the news that Jim Haynes has lawyered up—borrowing Dick's trusty lawyer—in the face of scrutiny from Armed Services. Scott seems to imply that Armed Services is closing in on Haynes on perjury charges.

> I've been looking into this trying to get a sense of what, exactly, the Armed Services Committee is so eager to discuss with Haynes. Two possibilities emerge.
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> First is the subject that Isikoff identifies: committee staffers have been carefully assembling secondary accounts concerning Haynes's role in the process of authorizing highly coercive interrogation techniques, in preparing memoranda, and in soliciting memoranda to cover his advice from the Justice Department's Office of Legal Counsel. Haynes's relationship and dealings with OLC are drawing particular attention. **Similarly, staffers are looking very carefully at Haynes's prior appearances before the Committee, as well as his appearance before the Senate Judiciary Committee in connection with his nomination to the Fourth Circuit Court of Appeals.**
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> My hunch is that the facts and circumstances surrounding the preparation of the two "torture memoranda," which I have dubbed Yoo Prime (August 2002) and Yoo Two (March 2003) will be right in the center of questioning. **Something that Haynes said, it seems, doesn't sit right with the investigators.**
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> **The second matter is Haynes's role in**

> **restructuring the Military Commissions at Guantánamo and tasking prosecutors and the legal advisor to the convening authority. This is the point on which the president of the New York City Bar, apparently now joined by other bar associations, is pressing for Haynes's examination under oath.** Accusations come from the former chief prosecutor, Colonel Morris Davis, among others. Davis has recently stated that he is prepared to submit to a lie-detector test about the matter. Haynes has refused to make public comment, offering only a bland statement that he "disputes" Davis's charges through a Pentagon public affairs spokesman. [my emphasis]

That would be just like a Bush Court nominee, to lie under oath (something even Scottish Haggis has insinuated Alito has done). Guess it's time to review that transcript.

The Davis testimony is likely not perjury—while DOD has issued a statement that Davis' allegations are bunk…

> Reached for comment, Defense Department spokesperson Cynthia Smith said, "The Department of Defense disputes the assertions made by Colonel Davis in this statement regarding acquittals."

…that statement was not, after all, under oath or to Congress.

But if Levin confirms that Haynes did rig the Gitmo tribunals, one would hope that would be enough to scuttle the hearings—at least the rigged hearings as currently constituted.