

REMEMBER THE TORTURE TAPES?

Just about everyone is talking about ABC's confirmation of what we already knew: the torture was approved—in excruciating detail—by the most senior members of the Bush Administration.

In dozens of top-secret talks and meetings in the White House, the most senior Bush administration officials discussed and approved specific details of how high-value al Qaeda suspects would be interrogated by the Central Intelligence Agency, sources tell ABC News.

The so-called Principals who participated in the meetings also approved the use of "combined" interrogation techniques — using different techniques during interrogations, instead of using one method at a time — on terrorist suspects who proved difficult to break, sources said.

Highly placed sources said a handful of top advisers signed off on how the CIA would interrogate top al Qaeda suspects — whether they would be slapped, pushed, deprived of sleep or subjected to simulated drowning, called waterboarding.

The high-level discussions about these "enhanced interrogation techniques" were so detailed, these sources said, some of the interrogation sessions were almost choreographed — down to the number of times CIA agents could use a specific tactic.

The advisers were members of the National Security Council's Principals Committee, a select group of senior

officials who met frequently to advise President Bush on issues of national security policy.

At the time, the Principals Committee included Vice President Cheney, former National Security Advisor Condoleezza Rice, Defense Secretary Donald Rumsfeld and Secretary of State Colin Powell, as well as CIA Director George Tenet and Attorney General John Ashcroft.

Now, the article is actually incredibly vague about which of the high-value detainees the Principals discussed interrogating. For example, it suggests that Abu Zubaydah's torture was planned by the Principals. But then—where elsewhere it asserts that all of the Principals approved the torture—it backs off that claim specifically with regards to Zubaydah.

But after Zubaydah recovered from his wounds at a secret CIA prison in Thailand, he was uncooperative.

[snip]

The CIA wanted to use more aggressive – and physical – methods to get information.

The agency briefed high-level officials in the National Security Council's Principals Committee, led by then-National Security Advisor Rice and including then-Attorney General Ashcroft, which then signed off on the plan, sources said. It is unclear whether anyone on the committee objected to the CIA's plans for Zubaydah.

"The agency" briefed the Principals Committee (note the briefers remain unnamed), which, as a group signed off on the plan. But rather than asserting (as the article does elsewhere) that "sources said that at each discussion, all the Principals present approved," the specific

discussion of Zubaydah notes that, "it is unclear whether anyone on the committee objected to the CIA's plans for Zubaydah."

Immediately after the discussion of Zubaydah, the article goes on to discuss Khalid Sheikh Mohammed's waterboarding without stating one way or another whether the Principals approved the details of his torture, either.

Now I don't mean to suggest that the Principals did not approve the water-boarding of Zubaydah and KSM—or of any other torture subject. I'm perfectly willing to believe that all of the Principals approved such things, even Powell.

I'm raising the alternating specificity and vagueness of this story to suggest certain things about its probable purpose. Ask yourself, where did this story come from? Who are the "highly-placed sources" behind this story?

Those who actually received the briefings would be limited to the Principals—who would have no incentive to admit they approved of torture—and their deputies (so, Libby, Stephen Hadley, Paul Wolfowitz, Richard Armitage, John McLaughlin, and Larry Thompson, then Comey—though given the Administration's habit of excluding Thompson from sensitive details, I wouldn't assume that he was included). I could see Armitage revealing embarrassing details about Cheney, but not ones that implicated Powell; and McLaughlin I'll put aside for the moment. As for the others, at least one of them has been willing to get convicted of a felony rather than rat on his boss, so I doubt they're sources for this story.

Then there are the people who did the briefing: "CIA directors Tenet and later Porter Goss along with agency lawyers." Now we're getting someplace.

Porter Goss, though he hasn't AFAIK gone on the record once during the discussions of the torture tapes, has been feeding regular leaks to the press throughout. And Scott Muller—General Counsel of the CIA until 2004—**has** told journalists working on the torture tape story

that he opposed the destruction of the tapes. John Rizzo—acting General Counsel after Muller left—has been less adept at working the press than Goss and Muller, though he has made it clear that junior lawyers at the CIA, not him, gave Jose Rodriguez the green light to destroy the torture tapes. All three men would be closely questioned in the DOJ investigation of the destruction of the torture tapes.

Add in the fact that the single named source in this story is John Kiriakou—the same guy who appeared on ABC to admit that the CIA had water-boarded just as the whole torture tape story was breaking (Kiriakou also worked for Robert Grenier in 2003, though I don't know if he was still working for him when Grenier was reportedly fired for opposing enhanced torture).

In other words, the most likely people behind this story are the same people who were working diligently, in December and January, to make sure the CIA alone did not pay for the destruction of the torture tapes.

This story does not—as earlier stories have—list the lawyers at the White House who were briefed on the torture tapes: Condi's NSA lawyer John Bellinger, Cheney's lawyer Addington, and Bush's lawyer Alberto Gonzales.

Rather, it strongly suggests (without, finally, asserting it directly) that the President's top aides—the Principals those three lawyers were expected to protect—approved every method used with Abu Zubaydah. That is, the President's top aides approved of everything that would have been revealed on the torture tapes, had they not been destroyed. Additionally—with the placement of John Ashcroft in the meetings—it puts DOJ at the center of discussions approving all the methods used (though of course Alberto Gonzales, and not Ashcroft, was in charge of DOJ during the destruction of the tapes).

What this article does—aside from tell us what we already knew—is explain why the top lawyers in the Administration would have a motive to

approve of the destruction of the torture tapes. And heck, while we're at it, it pressures those same top lawyers to try to stop the inquiry, to prevent any more damning details (Bush's participation?) get leaked to ABC.

You don't suppose John Durham's investigation is honing in on the CIA, do you?