

DOD AND TORTURE DECLASSIFICATION TIMING

I think I'll be doing a series of posts on the DOJ IG report on torture. In this post, I will look at some of the timing surrounding torture declassification.

The very first footnote in the 300-odd page report sticks a shiv into DOD for its stalling on this report:

The OIG has redacted (blacked out) from the public version of this report information that the FBI, the Central Intelligence Agency (CIA) or the Department of Defense (DOD) considered classified. We have provided full versions of the classified reports to the Department of Justice, the CIA, the DOD, and Congressional committees. The effort to identify classified information in this report has been a significant factor delaying release of the report. To obtain the agencies' classification comments, we provided a draft report to the FBI, the CIA, and the DOD for classification review on October 25, 2007. The FBI and the CIA provided timely responses. The DOD's response was not timely. Eventually, the DOD provided initial classification comments to us on March 28, 2008. However, we believed those classification marking were over-inclusive. After several additional weeks of discussion with the DOD about these issues the DOD provided revised classification comments. The DOD's delay in providing comments, and its over-inclusive initial comments, delayed release of this report.

This is not the first we've heard of DOD's stalling. In an April interview with McClatchy, Fine complained about it.

Marisa Taylor reports that DOD is stalling the release of a DOJ IG report on the FBI's role in torture.

The release of a report on the FBI's role in the interrogations of prisoners in Afghanistan, Guantanamo Bay and Iraq has been delayed for months because the Pentagon is reviewing how much of it should remain classified, according to the Justice Department's watchdog.

Glenn Fine, the Justice Department's inspector general, told McClatchy that his office has pressed the Defense Department to finish its review, but officials there haven't completed the process "in a timely fashion."

"Why that happened, I don't know," Fine said in an interview this week.

Tell me, Marisa Taylor, did Fine have a smirk on his face when he said that? I couldn't imagine why DOD would be stalling the release of this report!

Though Fine suggests there has been some recent movement in the classification review process.

Fine said the Pentagon **now** appears to be moving on his request.

"My sense is they are working hard on it **now**, and I believe we're going to reach a resolution one way or another in the **not-too-distant future**," he

said. [my emphasis]

Tell me, Glenn Fine, did this sudden responsiveness on the part of the DOD start in the last three weeks or so.

As it turns out, yes, the sudden (partial) responsiveness had started two weeks earlier, on March 28. That means DOD first sent its declassification comments to DOJ just three days before Daniel Dell'Orto declassified John Yoo's torture memo.

Declassify under authority of Executive Order 1958
By Acting General Counsel, Department of Defense,
By Daniel J. Dell'Orto
31 March 2008

So let's review the timing, shall we?

February 25: Jim Haynes resigns
March 10 (estimated): Jim Haynes' resignation takes effect
March 28: DOD first provides declassification comments
March 31: DOD declassifies Yoo torture memo

DOD suddenly got a lot more forthcoming in March, didn't it?