

IRAQ WAR MEMOS RELEASED: WORKING THREAD

McClatchy's Marisa Taylor has gotten a hold of three more Yoo memos—and one Jack Goldsmith memo—that reveal the Administration's thinking on the Iraq War.

They are:

October 23, 2002: Bush has authority to declare war against Iraq because his Daddy did

November 8, 2002: UN 1441 doesn't prevent Bush from going to war outside the terms of 1441

December 7, 2002: If Scooter Libby claims the Iraqis lied on their WMD declaration, Bush can declare war

March 18, 2004: If the US ships Iraqis outside of Iraq, then they can torture them [Jack Goldsmith's opinion]

I'm most interested in the December 2002 memo, because it seems to have shaped the roll-out of propaganda directed against Iraq—up to and including John Bolton's use of the Niger claim in a State Department release on Iraq's declaration. Basically, they seem to have gotten the legal opinion, then tailored their propaganda to the terms of the legal opinion.

But I guarantee you, Mary is going to have some things to say about the Goldsmith memo, which she has been keeping an eye out for for some time.

Consider this a working thread.

Update: Come to think of it, the October 23, 2002 opinion is pretty funky. As it points out, it came not long after Congress approved the Iraq War resolution.

You asked us to render an opinion based on the constitutional and other legal authorities that would exist in the absence of new authorization from either Congress or the United Nations ("U.N.") Security Council. We note that on October 16, 2002, the President signed into law the Authorization for Use of Military Force Against Iraq Resolution of 2002, HJ. Res. 114, Pub. L No. 107-243, 116 Stat. 1498 (2002), which authorizes the President to use force against Iraq to enforce relevant U.N. Security Council resolutions regarding Iraq and to defend the national security of the United States from the threat posed by Iraq. We have not considered here the legal effect of that resolution. As this memorandum makes clear, even prior to the adoption HJ. Res. 114 the President had sufficient constitutional and statutory authority to use force against Iraq. We also note that negotiations are ongoing in the U.N. Security Council on a new resolution regarding Iraq, but we do not address any of the proposed terms here.

It's as if, at each stage of the process, Bush got Yoo to say he could do what he wanted regardless of the machinations in Congress and the UN, so he could claim he didn't need that authorization. (Shades of Daddy, here.) And, of course, they eventually probably relied on that authority when they went to war without a new resolution.

I wonder whether Colin Powell knew about these opinions?

Update: November 8 opinion link updated (I think).