

THE CIA DIRECTORS PROTECTING THEMSELVES

The AP reports that along with John Deutsch and Michael Hayden, George Tenet and Porter Goss have criticized Obama's release of the torture memos.

Of course Tenet and Goss would criticize Obama's decision. Both of them are personally implicated by revelations in the memos.

As I noted (as did William Ockham—I stole his transcription), the May 30, 2005 memo makes it clear that people at CIA Headquarters ordered Abu Zubaydah to be waterboarded additional time(s)—for the 83rd time, perhaps?—even after interrogators working with him directly believed he was complying with their demands.

This is not to say that the interrogation program has worked perfectly. According to the *IG Report*, the CIA, at least initially, could not always distinguish detainees who had information but were successfully resisting interrogation from those who did not actually have the information. See *IG report* at 83-85. On at least one occasion, this may have resulted in what might be deemed in retrospect to have been the unnecessary use of enhanced techniques. On that occasion, **although the on-scene interrogation team judged Zubaydah to be compliant, elements with CIA Headquarters still believed he was withholding information.** [Redaction of more than one full line] See *id*, at 84. **At the direction of CIA Headquarters interrogators, therefore used the waterboard one more time on Zubaydah.** [Redaction of ~3/4 of a line] See *id*, at 84-85.

We can't pin this on Tenet directly, though we do know Bush was pressuring Tenet at the time to deliver some kind of intelligence that would substantiate Bush's public assertions that Abu Zubaydah was important within the Al Qaeda ranks.

"I said he was important," Bush reportedly told Tenet at one of their daily meetings. "You're not going to let me lose face on this, are you?" "No sir, Mr. President," Tenet replied. Bush "was fixated on how to get Zubaydah to tell us the truth,"

And in any case, we know that the one time when **even** the CIA agrees Abu Zubaydah was waterboarded "needlessly," it was done on the order of CIA headquarters under Tenet's leadership.

Also as I noted, the May 10, 2005 "Techniques" memo reveals that Abu Zubaydah's interrogator far exceeding OLC guidelines on how to administer waterboarding.

The IG Report noted that in some cases the waterboard was used with far greater frequency than initially indicated, see IG Report at 5, 44, 46, 103-04, and also that it was used in a different manner. See *id.* at 37 ("**[T]he waterboard technique ... was different from the technique described in the DoJ opinion and used in the SERE training. The difference was the manner in which the detainee's breathing was obstructed. At the SERE school and in the DoJ opinion, the subject's airflow is disrupted by the firm application of a damp cloth over the air passages; the interrogator applies a small amount of water to the cloth in a controlled manner. By contrast, the Agency Interrogator ... applied large volumes of water to a cloth that covered the detainee's mouth and nose. One of the**

psychologists/interrogators acknowledged that the Agency's use of the technique is different from that used in SERE training because it is "for real—and is more poignant and convincing.") see also *id.* at 14 n14.[my emphasis]

Not only does this implicate Tenet—who was DCI at the time—for further mismanagement, but it implicates his successor Porter Goss.

Goss was in charge when the CIA—having been warned not to destroy the torture tapes—did so anyway. And this OLC memo provides proof that CIA had more to worry about than just that the identities of those depicted administering torture on the tapes would be revealed. We know that the tapes were clear evidence that the interrogators were breaking the law—exceeding even the expansive guidelines laid out in the Bybee Memo on how waterboarding should be used. This memo, in other words, proves what we already suspected—that the torture tape destruction served to obstruct justice.

And that destruction happened on Porter Goss' watch, even after he had been warned not to let the tapes be destroyed.

So it's no wonder that Tenet and Goss would object to the release of these memos.

What is surprising, though, is that journalists wouldn't begin to explore why Tenet and Goss feel so strongly about it.