

# **CIA LYING TO ABC ABOUT TORTURE. AGAIN. ABC REPORTING IT UNCRITICALLY. AGAIN.**

As bmaz has reported, the CIA has sent a list of torture briefings to Crazy Pete Hoekstra on when and whom in Congress got briefed that the CIA was in the torture business. And ABC news, just off having to admit the CIA lied to them about torture in the past, has taken what the CIA gave them and treated it totally uncritically. Again.

Based on the list (which I've also obtained), they're out with a post claiming they've caught Pelosi in a contradiction.

The report, submitted to the Senate Intelligence Committee and other Capitol Hill officials Wednesday, appears to contradict Pelosi's statement last month that she was never told about the use of waterboarding or other special interrogation tactics.

Setting aside the fact that the list doesn't mention waterboarding specifically in its description of that briefing (it does in quite a few others), there are huge problems with using the list as a basis to claim anything.

First, there's this paragraph the CIA included in the letter they sent with the briefing list to Crazy Pete (which ABC didn't think important enough to include when they first posted this story):

This letter presents the most thorough information we have on dates, locations, and names of all Members of Congress who were briefed by the CIA on enhanced interrogation techniques. This

information, however, is drawn from the past files of the CIA and represents MFRs completed at the time and **notes that summarized the best recollections of those individuals. In the end, you and the Committee will have to determine whether this information is an accurate summary of what actually happened.** We can make the MFRs available at CIA for staff review. [my emphasis]

CIA: "Here's a list, but we won't vouch for its accuracy."

ABC: "We've proven that Nancy was wrong!!"

ABC, after having been burned in the past, took documents that the CIA itself said might not be accurate, and treated them as accurate.

But it gets worse. ABC printed the following description, as if it were an accurate representation of the next set of torture briefings, which took place in February 2003.

On Feb. 4, 2003, a briefing on "enhanced interrogation techniques" for Sen. Pat Roberts, R-Kan., and Sen. John D. Rockefeller IV, D-W.Va., revealed that interrogations of Abu Zubaydah and Abd Al-Rahim Al-Nashiri were taped.

ABC doesn't tell you, but there's an asterisk by Jello Jay's name, saying, "later individual briefing to Rockefeller," with no indication of when they say he got briefed, whether it was in addition to or in lieu of the briefing listed here, or what. Now, ABC might have referred to the other public document that might give them some explanation on that point. For example, they might refer to the SSCI Narrative which (as Jello Jay pointed out in his intro to it) offered everyone involved a chance to ensure the accuracy of the document.

The understanding of the participants was that while the final product would

be a Legislative Branch document, the collaborative nature of this process would provide the Executive Branch participants with the opportunity to ensure its accuracy.

If they had, they would have learned this about the briefing:

After the change in leadership of the Committee in January of 2003, CIA records indicate that the new Chairman of the Committee was briefed on the CIA's program in early 2003. Although **the new Vice-Chairman did not attend that briefing**, it was attended by both the staff director and minority staff director of the Committee. [my emphasis]

In other words, the CIA **doesn't even have the attendee list correct**. Jello Jay was not at the briefing that CIA lists him attending. No wonder CIA won't vouch for the accuracy of their document. Yet, even with that asterisk there, ABC assumes that means Jello Jay got briefed as well. (Incidentally, CIA also fails to mention that Jello Jay and/or Pat Roberts had to remind them, in 2004, about the Eighth Amendment.)

Let's see. Jello Jay doesn't agree with the document. Nancy Pelosi doesn't agree with it.

But you know who else disagrees with the document? Porter Goss. As I've pointed out, he seems to agree with Nancy Pelosi that when they were briefed about torture in 2002 (after Abu Zubaydah had already been waterboarded), they were talking about torture in the subjunctive mood, not in the past tense.

In the fall of 2002, while I was chairman of the House intelligence committee, senior members of Congress were briefed on the CIA's "High Value Terrorist Program," including the development of "enhanced interrogation techniques" and what those techniques

were.

[snip]

Today, I am slack-jawed to read that members claim to have not understood that the techniques on which they were briefed were to actually be employed; or that specific techniques such as "waterboarding" were never mentioned.

"Were to be employed." Even in an op-ed attacking Pelosi, Goss never makes the claim that Pelosi knew they had been employed.

So Nancy Pelosi, Jay Rockefeller, and Porter Goss have all already identified problems with a document that the CIA itself refuses to vouch for. And who does ABC believe?

One more thing, which is more about CYA at the CIA than outright deception—maybe. For just about every briefing, the CIA lists who from the CIA attended the briefing (by function): for example, it lists CTC (Counterterrorism), DCI (Director), DDCI (Deputy Director), OGC (General Counsel). The exception are six briefings in 2005 and one in 2006. That's particularly curious, given that Mary McCarthy has said the CIA lied during two briefings in 2005 (though note—that story says the briefings took place in February and June, which doesn't correlate with the list, which shows briefings in January, March, October, and November).

I'll have more to say about this list in the coming days (particularly about the way it shows CIA briefed Republicans on torture a lot more than it did Democrats—and even the CIA never asserts it told any Democrat about waterboarding until after the 2004 IG Report came out).

But for now, suffice it to say it's clearly full of easily discerned problems. Which might be why CIA won't vouch for it.

Nevertheless, ABC thinks it's as great as the story they got about Abu Zubaydah being waterboarded just once.