

MEMO TO WAPO: TORTURE IS NOT JUST WATERBOARDING

The WaPo has a weird article today—purporting to pinpoint how Nancy Pelosi first learned of waterboarding. It suggests that Michael Sheehy—a Pelosi staffer when she was briefed in September 2002, who then worked for Harman, and subsequently returned to work for Pelosi—told Pelosi about waterboarding after having been briefed on it February 5, 2003.

A top aide to House Speaker Nancy Pelosi attended a CIA briefing in early 2003 in which it was made clear that waterboarding and other harsh techniques were being used in the interrogation of an alleged al-Qaeda operative, according to documents the CIA released to Congress on Thursday.

[snip]

But Michael Sheehy, a top Pelosi aide, was present for a classified briefing that included Rep. Jane Harman (D-Calif.), then the ranking minority member of the House intelligence committee, at which agency officials discussed the use of waterboarding on terrorism suspect Abu Zubaida.

But the claim—that the documents the CIA released to Congress makes it clear that Sheehy was briefed on waterboarding in February 2003—is totally false. The briefing list, after all, does not specify that the briefing covered waterboarding at all.

Discussion of detainee interrogation program/techniques.

Existence of AZ tapes briefed and that the tapes to be destroyed as soon as IG completed his report.

It was also discussed that interrogation methods were similar to those taught/used in SERE training.

So if the WaPo is sure the briefing covered waterboarding—as opposed to just torture generally—then it didn't learn that from the CIA briefing list. To make the claim, the WaPo points to the details of the Roberts/Rockefeller briefing that Rockefeller didn't attend (though the WaPo doesn't tell its readers that Rockefeller didn't attend), claiming with no proof that the briefings were the same.

Five months after the Pelosi-Goss meeting, in briefings for the new leaders of the Senate intelligence committee, the CIA "described in considerable detail . . . how the water board was used," according to the documents released Thursday.

Mind you, I'm not disputing that the Goss/Harman briefing covered waterboarding—I've always assumed it did until I saw this list. But the list does not specify that waterboarding was discussed, as it does elsewhere, and the Senate briefing is not dispositive of what went on in the House briefing, so this can't be where the WaPo got this claim from.

Which is one reason I find it notable that the WaPo interviewed Jane Harman for this interview—and it suggests that Harman said she was told the torture videos depicted waterboarding.

Harman was surprised at what she learned, particularly that intelligence officials had video of the waterboarding of Abu Zubaida and were planning on destroying it.

Harman said in an interview that she "did not recall" discussing the issue with Pelosi.

And from discussions dating back to 2007, the WaPo completely misrepresents the plain statement of a Pelosi statement on Harman's stance on torture (but not necessarily specifically waterboarding).

Pelosi herself acknowledged in a December 2007 statement that she was aware that Harman had learned of the waterboarding and had objected in a letter to the CIA's top counsel.

That's not what Pelosi said: She made no specific reference to waterboarding (as opposed to enhanced techniques).

On one occasion, in the fall of 2002, I was briefed on interrogation techniques the Administration was considering using in the future. The Administration advised that legal counsel for the both the CIA and the Department of Justice had concluded that the techniques were legal.

I had no further briefings on the techniques. Several months later, my successor as Ranking Member of the House Intelligence Committee, Jane Harman, was briefed more extensively and advised the techniques had in fact been employed. It was my understanding at that time that Congresswoman Harman filed a letter in early 2003 to the CIA to protest the use of such techniques, a protest with which I concurred.

Again, I don't dispute that Pelosi may have known about waterboarding by February 2003—but this statement is not proof to the fact.

So to review: WaPo says that the CIA briefing list proves Sheehy learned about torture in February 2003. And WaPo says that Pelosi's statement proves she learned the CIA was waterboarding by around that point. While I don't dispute the underlying facts (that Sheehy

learned about waterboarding in February 2003, that Pelosi learned about it around then—I don't know one way or another), neither of these statements prove what the WaPo says it does. If the WaPo knows this for a fact, it knows this from another source.

Which is why I find this tidbit—the only anonymous source in an article based on interviews with Democrats Jane Harman and DiFi and Republicans Crazy Pete Hoekstra and Cryin' John Boehner—so interesting.

A Democratic source acknowledged yesterday that it is almost certain that Pelosi would have learned about the use of waterboarding from Sheehy.

This is either an incredibly crappy and logically false article—or either Harman or DiFi is out to prove that Pelosi learned about waterboarding via non-CIA means before it became public in 2004-2006.

Or both.