

GRAHAM CORROBORATES PELOSI

FWIW, Greg Sargent's account of his interview with Bob Graham seems to suggest Graham may have gotten even **less** in his briefing on torture than Nancy Pelosi did in September 2002.

"I do not have any recollection of being briefed on waterboarding or other forms of extraordinary interrogation techniques, or Abu Zubaydah being subjected to them," Graham told me by phone moments ago, in a reference to the terror suspect who had been repeatedly waterboarded the month before.

Graham is the only other Dem aside from Pelosi to get briefed in 2002, so they are both in effect asserting that no Dem was briefed on the use of EITs that year. The date of the next briefing was in February 2003.

Graham claimed he would have remembered if he'd been told about the use of torture. "Something as unexpected and dramatic as that would be the kind of thing that you would normally expect to recall even years later," he said.

[snip]

Graham denied being told about EITs, and argued that the presence of two staff members at the meeting (as indicated in the records) would have made it "highly unusual" for the briefers to divulge such sensitive info. "I don't recall having had one of those kinds of briefings with staff present," he said. "That would defeat the purpose of keeping a tight hold" on the info.

Graham, however, was circumspect on what was actually discussed, saying only that "the general topic had to do with

detainee interrogations" but didn't include any reference to EITs or waterboarding.

Click through to see the account of a US Official (remember—the torture briefing list came via the Director of National Intelligence office from the CIA) saying only that CIA records say Graham was briefed on torture. Right. Yes. We know CIA is not vouching for the accuracy of those documents.

Pelosi has said, a variety of times, that the opinions approving some interrogation techniques were discussed, but that they weren't told the techniques were going to be used or—much more importantly—**had** been used. [Update: here's the statement her spokesperson Brendan Daly put out last week: "As this document shows, the Speaker was briefed only once, in September 2002. The briefers described these techniques, said they were legal, but said that waterboarding had not yet been used."] Or to put it very simply for those who still don't get this, Pelosi has been saying that CIA briefed them on the legality of using torture, but did not admit (and may have specifically denied) that they had used these torture techniques. Pelosi is making a temporal claim as much as anything else.

But Graham is making a much more expansive claim, saying techniques were not discussed in the least.

Now, I can think of two explanations for that (aside from either forgetfulness or deception on one or both of their parts): that Pelosi is remembering learning (according to a confidant) about the waterboarding in February 2003, and her statements reflect that. Or that the Senate intell leaders (Graham and Shelby) really did get a less extensive briefing than the House intel leaders (Goss and Pelosi) in 2002.

And I can think of two reasons for the latter scenario—the Senate getting less of a briefing than the House. After all, in the Senate, the

Dems were temporarily in the majority in 2002, which meant Graham would be the senior member of that team, whereas on the House side, Republican Goss was. More interesting, though, is the timing laid out in this old Murray Waas article (h/t Laura Rozen), showing that at precisely the time the Administration was failing to inform Congressional intel leaders about its upcoming plan to torture (June 2002), Cheney was beating up Bob Graham about the leaks that—it appears—came from Richard Shelby.

Early on the morning of June 20, 2002, then-Senate Intelligence Committee Chairman **Bob Graham**, D-Fla., received a telephone call at home from a highly agitated **Dick Cheney**. Graham, who was in the middle of shaving, held a razor in one hand as he took the phone in the other.

The vice president got right to the point: A story in his morning newspaper reported that telephone calls intercepted by the National Security Agency on September 10, 2001, apparently warned that Al Qaeda was about to launch a major attack against the United States, possibly the next day. But the intercepts were not translated until September 12, 2001, the story said, the day after the terrorist attacks on the World Trade Center and the Pentagon.

Because someone had leaked the highly classified information from the NSA intercepts, Cheney warned Graham, the Bush administration was considering ending all cooperation with the joint inquiry by the Senate and House Intelligence committees on the government's failure to predict and prevent the September 11 attacks. Classified records would no longer be turned over to the Hill, the vice president threatened, and administration witnesses would not be available for

interviews or testimony.

Moreover, Graham recalled in an interview for this story, Cheney warned that unless the leaders of the Intelligence committees took action to discover who leaked the information about the intercepts – and more importantly, to make sure that such leaks never happened again – **President Bush** would directly make the case to the American people that Congress could not be trusted with vital national security secrets.

[snip]

The private complaint was followed by a very public rebuke.

Later that day, then-White House press secretary **Ari Fleischer** read from a prepared statement: "The president [has] very deep concerns about anything that would be inappropriately leaked that could ... harm our ability to maintain sources and methods and anything else that could interfere with America's ability to fight the war on terrorism."

[snip]

As a result of the White House pressure over the NSA intercept leak in June 2002 – applied through Cheney's phone call – Graham and then-House Intelligence Committee Chairman **Porter Goss**, R-Fla., asked the Justice Department to investigate whether any members of Congress (including themselves) or their staffs were responsible for the leak. Prosecutors and FBI agents later zeroed in on Sen. **Richard Shelby**, R-Ala., who was then the ranking member on Senate Intelligence, as the person most likely responsible for disclosing the information to the press.

The (alleged) Shelby leak provided the Administration with a very convenient excuse—at precisely the time they made the decision to get in the torture business—to withhold legally mandated briefings on torture. But by September of that year, it may have also led the Administration to treat the Senate intell leaders even more cautiously than the House side. So it is possible they chose to give a different briefing to Graham and Shelby.

But the big news should be what it always has been—that the Bush Administration and the CIA did not give the legally required briefing on their covert ops to Congress.