

GRAHAM: THEY CLAIMED TO HAVE BRIEFED BEFORE TORTURE, DID NOT

I've got to correct something I said yesterday about Bob Graham. I reported that Graham said that CIA had given him two erroneous dates for briefings. That was wrong (RawStory reported the number correctly, though). They gave erroneous dates for three briefings.

The difference is critical, because it means the CIA tried to claim it had briefed Graham on torture in April 2002, which would have put it in compliance with the National Security Act. But Graham, by consulting his trusty notebooks, proved that claim to be false.

Graham also notes that the CIA is obligated to tell the entire intelligence committees, not just the leadership.

You think maybe someone besides us here and MSNBC will start focusing on CIA's failure to comply with the requirement that it brief Congress on its actions?

David Shuster: House Speaker Nancy Pelosi says the CIA misleads Congress all the time and has at least one big-name Democrat backing her up, Former Senator Bob Graham who chaired the Senate Intelligence Committee following the 9/11 attacks and he joins us live this morning. Senator Graham, House Speaker Pelosi said specifically when she was briefed in September 2002, she was told that waterboarding specifically was not being used. What were you told during that same time period, September 2002?

Graham: David, when I was briefed which was about three weeks after the Speaker,

the subject of waterboarding did not come up. Nor did the treatment of Abu Zubaydah or any other specific detainee.

Shuster: And the reason that's significant is because by the time of your briefing and the Speaker's briefing, we now knew Zubaydah had been waterboarded some 83 times. So again, was there a requirement, was it incumbent upon the CIA, to tell you as the Chairman of the Senate Intelligence Committee or Ranking Member, was there an obligation on them to tell you about it if it was going on?

Graham: Yes, they're obligated to tell the full Intelligence Committee, not just the leadership. This was the same time within the same week, in fact, that the CIA was submitting its National Intelligence Estimate on weapons of mass destruction in Iraq which proves so erroneous that we went to war, have had thousands of persons killed and injured as a result of misinformation.

Shuster: So what were they telling you that fall in 2002 about what they were and were not doing with terror suspects that were in US custody?

Graham: Nothing very remarkable. They were discussing the fact that they had detainees and that they were interrogating detainees. But nothing such as that they were using these extreme torture techniques that would have made it a surprising briefing.

Shuster: Now, there are some who suggest that by either providing false information to Speaker Pelosi or actually withholding information from her, withholding information from you, that those CIA briefers broke the law. What's your view on that?

Graham: That's for some legal authority

to decide. I can only state what I experienced.

Shuster: What do you make of this whole sort of kerfuffle, and that's probably not the right word for it, between the Speaker and yourself and the CIA? What's going on? Do you think the CIA was simply trying to, I don't know, push things sort of under the rug or maybe that they were post dating or taking the documents and writing things in after the fact that hadn't actually happened in these briefings? What do you make of all of this?

Graham: David, I think fundamentally, what's happening is there's an attempt underway to try to shift it, the discussion away from what's really important, and that is did the United States use torture, was that within the law, who authorized it, and what were the consequences of that – those are the important issues. Whether the Speaker or anybody else knew about it is, frankly, sort of off on the edges.

Shuster: Now, a lot of people who are not familiar with you Senator Graham, might say 'how could Bob Graham know what was going on, what was said to him, nearly seven years ago, September 27th, 2002?' Explain the sort of notebooks that you keep and why they convinced you that in fact, the CIA had not told you certain information at that crucial briefing?

Graham: Well, the notebooks played another role in this. The CIA when I asked them, what were the dates these briefings took place, gave me four dates. And I went back to my spiral notebooks and a daily schedule that I keep and found, and the CIA concurred, that in three of those four dates, there was no briefing held. That raises some

questions about the bookkeeping of the CIA. Under the rules of clandestine information, I was prohibited from keeping notes of what was actually said during that briefing other than a brief summation that it had to do with the interrogation of detainees.

Shuster: And finally, Senator Graham, do you believe there should be an investigation, either a special council or truth commission to find out exactly what was going on at the CIA at the time?

Graham: Yes, and more broadly than just what was going on at the CIA – who was directing the CIA. The CIA is not a rogue organization. It responds to directions from higher authorities – who were those authorities? What was the basis of their action and what was their motivation? Yes, I think there should be like the 9/11 commission a high level totally impartial group of Americans who will have the respect of the American people, review all those questions.

Shuster: Former Florida Senator Bob Graham. And Senator, thanks for joining us this morning.

Graham: Thank you, David.