

TORTURE APPROPRIATIONS

Greg Sargent suggests the error revealed today in the CIA briefing list—that the CIA claims an appropriations staffer attended but he didn’t—is no big deal.

This, obviously, is not the biggest foul-up in the world.

Perhaps. Perhaps not. We don’t know.

Remember what Nancy Pelosi said about the way the Bush Administration used the appropriations committees to bypass the intelligence committees in Congress.

And that is why when people are talking about – whether they are talking about torture, or whether they are talking about wiretapping, or whatever you are talking about, we really have to have a change now in how Congress can do its oversight, because we expect and demand the truth.

[snip]

It used to be the Intelligence Committee – you couldn’t appropriate unless the Intelligence Committee authorized. It was almost effectively an appropriation. Over time the **Intelligence in the Bush years became part of supplementals so there was absolutely no sharing of information.** They would just stick the request in the supplementals. We said, "Okay, if they are going right to appropriations, we will have members of the Intelligence Committee serve in this hybrid committee, part Intelligence, part Appropriations." [my emphasis]

According to Pelosi, with both the illegal wiretap program and the torture program, the

Bush Administration would work through appropriations subcommittees, thereby gaining the only kind of Congressional approval they gave a damn about—purse string approval—while avoiding any intelligence oversight.

And the briefing in question was, after all, an appropriations briefing. As I've discussed, there are three, total, appropriations briefings listed in the CIA briefing list.

October 18, 2005: Interrogation techniques briefed. Ted Stevens, Thad Cochran

September 19, 2006: Briefing on full detainee program, including the 13 EITs. Bill Young, John Murtha (John Murtha did not stay for EIT portion of briefing)

October 11, 2007: The Director discussed the number of detainees subjected to EITs and discussed EITs. John Murtha

The October 2005 briefing appears to have been, among other things, an attempt to coordinate with two Republicans who voted against the McCain amendment and who had already been named to the conference committee on the overall funding bill. Sure, they may have snuck something else through Toobz and Cochran, but there is a reasonably transparent explanation for what the Administration was doing, in October 2005, talking to the appropriators about torture rather than the intelligence committees. They were watering down the McCain Amendment.

But then there's the pair of House appropriations briefings—the September 19, 2006 briefing and the October 11, 2007 briefing—for leaders of the House defense appropriations subcommittee. The September 19, 2006 briefing took place before Pelosi was Speaker and therefore before there was the hybrid committee of intelligence people on the appropriations committee and therefore at a time when, Pelosi says, Bush was bypassing intelligence by going through appropriations. This was at a time

when—the Bush Administration claimed—they were no longer using the worst of the torture techniques. In fact, it happened just weeks after the Administration had supposedly come clean with the intelligence committees, with a slew of briefings on September 6, 2006.

So what in god's name were they doing briefing the appropriators—on all 13 torture techniques—almost two weeks later? Why would they be briefing them to appropriators if 1) they had come clean about them and 2) were largely out of the torture business? After all, they only need to brief appropriators if they need money going forward, right?

But of course, they didn't brief the appropriators. Sure, they say they briefed both Bill Young and John Murtha on the "full detainee program, including all 13 EITs." Only, with another one of their famous asterisks, they reveal that "Murtha did not stay for the EIT portion of the briefing."

So here they were asking for money for something that involved torture techniques after they claimed they were sort of out of the business. And they only briefed the Republican (as Lindsey Graham has explained helpfully, if they're not briefing Democrats, it may be a sign of criminal intent).

So that's the background of this dispute: they were presumably asking for money for something that involved all the torture techniques, and the Democrat was not at the part of the briefing where they discussed the torture techniques. Against that background, the dispute over Juola's attendance is quite suspicious.

They have already tried to claim, twice (with both Pelosi and Jello Jay in February 2003), that the briefing of a staffer equates with not only briefing of a member of Congress but assent from that member of Congress. And now they're giving as much push-back on this dispute as they have on anything else (while still admitting they might be dead wrong).

While CIA's information has Mr. Juola attending briefings on September 19, 2006 and October 11, 2007, there are different recollections of these events, which Mr. Obey's letter describes. As the agency has pointed out more than once, its list – compiled in response to congressional requests – reflects the records it has. These are notes, memos, and recollections, not transcripts and recordings.

So have they been claiming they had briefed Murtha just by listing Juola as attending the meeting?

And there's one more reason to find this story suspicious. As Bob Graham has pointed out, they have briefed staffers along with members of Congress from the start. Even the flurry of briefings on September 6, 2006 included staffers in the briefings that—purportedly—covered the same material: Dave Buckley in Jane Harman's own private briefing, Jim Hensler and Andy Johnson in the SSCI briefing, Mike Meermans in the HPSCI briefing.

But, at least according to David Obey, when Juola accompanied Murtha and Young to the briefing, Hayden told him he could not attend. That makes this appropriations briefing one of maybe 10 at which staffers were not present.

Sure, he's not an intell staffer, though as a top staffer for defense appropriations, he has got to have gigantic clearances.

So what is it that the Bush Administration was trying to get funding for in September 2006 that they couldn't brief a staffer on, may not have told Murtha about, and now are insistent that Juola, at least, was present for?

Update: William Ockham, who has been matching the briefing schedules to an earlier Vaughn index, has a suggestion:

I wonder if it was related to a letter

written by the ADDCIA (Associate Deputy Director of the CIA) to a member of Congress on 30 Nov 2006:

This document is a four-page letter from the Associate Deputy Director of the CIA to a member of Congress, concerning appropriation plans specific to certain criminal prosecutions. The letter is dated November 30, 2006 and bears the classification TOP SECRET//SCI.

... **appropriation plans specific to certain criminal prosecutions**... to return the favor and quote KO, WTF!?

What kind of appropriations would you need for show trials?

Update: radiofreewill has a suggestion. It appears that Bush was aiming to set up not show trials, but true Kafkaesque secret trials.