

# ALL THE NEWS NYT DOES NOT SEE FIT TO PRINT



As I have pointed out in the last two posts, the NYT has a story up claiming that Jim Comey approved of torture, but that grossly misreads the Comey emails on which the story is based. In fact, the memos appear to show that the White House—especially Dick Cheney and David Addington—were pushing DOJ to approve the torture that had been done to Hassan Ghul, without the specificity to record what they had done to him; in fact, one of the things the push on the memos appears to have prevented, was for Comey and Philbin to have actually researched what happened to Ghul.

But the NYT instead claims that Jim Comey approved of torture legally, even while downplaying his concerns about the "combined techniques" memo that was the focus of his concerns (and not mentioning his response to the third memo).

But there is more news than that in the Comey emails—news the Grey Lady doesn't seem to think is news. This includes:

## Pressure on Pat Philbin

On April 27, 2005, Jim Comey alerted Chuck Rosenberg, his then Chief of Staff, on the fight over the torture emails because he was about to go on a trip, and he figured Pat Philbin would need cover from political pressure. He described that Philbin's concerns about the memo were ignored. He closed the email by saying that Gonzales had visited the White House and—in spite of Comey's request for a delay—told Philbin and Bradbury to finish the memo by Friday, April 29. Philbin objected that that was not enough time to do the "fact gathering" needed to fix the memo. Comey was basically

asking Rosenberg to prepare to intercede on this process.

The following day, Comey emailed again to say that Ted Ulyot (who had just been read-in to this program) was pushing to get the memo done. It also appears that Ulyot was claiming Comey's objections had to do with the prototypical interrogation included in the memo, and not the lack of specificity.

Alberto Gonzales' Cowardice

Comey describes Dick Cheney putting a great deal of pressure on Alberto Gonzales to push through the memos in the last weeks of April.

The AG explained that he was under great pressure from the Vice President to complete both memos, and that the President had even raised it last week, apparently at the VP's request and the AG had promised they would be ready early this week. He added that the VP kept telling him "we are getting killed on the Hill."

I have laid out the roots of the Bradbury memos in presure from—at a minimum—Jello Jay. I guess when Republicans say Democrats weren't really objecting, they're full of shit, huh?

He then describes talking Gonzales into holding up the "combined effects" memo. (Recall that accounts of Gonzales' relationship with Addington refer to just a few disagreements with him—I expect this counts as one of them). Gonzales, on April 26, apparently told Comey to make the "combined effects" memo right.

Comey describes a conversation with Ted Ulyot, Gonzales' Chief of Staff, in which Ulyot made sure Comey felt like he had been heard before they rushed through the OLC memo. Philbin suggested going back to Gonzales to figure out why Gonzales had caved to White House pressure on this. Comey said,

I told him I didn't see a need, given that I had just said things to his chief of staff that would have lit the prior AG's COS's hair on fire.

Comey describes hoping that Bradbury and Gonzales or Ulyot take the blame for this in the future:

It leaves me feeling sad for the Department and the AG.

[snip]

I just hope that when this all comes out, this institution doesn't take the hit, but rather the hit is taken by those individuals who occupied positions at OLC and OAG and were too weak to stand up for the principles that undergird the rest of this great institution.

[snip]

People may think it strange to hear me say I miss John Ashcroft, but as intimidated as he could be by the WH, when it came to crunch-time, he stood up, even from an intensive care hospital bed. That backbone is gone.

#### Steven Bradbury's Ambition

Comey expresses concern that Steven Bradbury was caving to Cheney because he wanted to take over the OLC job.

I have previously expressed my worry that having Steve as "Acting" – and wanting the job – would make him susceptible to just this kind of pressure.)

According to Comey's version of Philbin's reporting, Bradbury was "relieved" when they held up the "combined effects" memo.

Comey describes the reluctance to focus this opinion on one person to be coming from OLC—probably Bradbury.

[Ullyot] mentioned that OLC didn't feel like it could accede to my request to make the opinion focused on one person because they don't give retrospective advice. I said I understood that, but that the treatment of that person had been the subject of oral advice, which OLC would simply be confirming in writing, something they do quite often.

This suggests (though doesn't prove) that Cheney and Addington were pressuring Bradbury to avoid putting the facts pertaining to (presumably) Ghul in writing, and Bradbury was using stupid excuses to avoid doing so.

#### Comey's Bureaucratic Wrangling

You can tell Comey never gave up his suspicions after the Hospital fight. Some of the bureaucratic CYAs he undertakes are:

- Making comments on the OLC memos themselves, but then making—and keeping—a second copy of those notes himself.
- Suggesting that DOJ blame him: "I suggested to [Ullyot] that he explain to the White House that 'that [fucking?] DAG' (my words) had gone on record against this, which would jam them in the future, so we needed to wait.
- Raising the videotape of the torture.

Curiously, Comey also records feeling like he had no options to force the issue here, "given

that I have already submitted my resignation."

#### White House Willful Blindness

Comey, several times, correctly predicted that those involved in authorizing torture would one day claim to be blind to the real implications of these memos. He said,

I told him the people who were applying pressure now would not be there when the shit hit the fan. Rather they would simply say they had only asked for an opinion.

(There are direct quotes from Addington and Yoo from last year's Assholes Who Torture hearing saying just that, and Condi quotes doing the same.)

He describes prepping Gonzales for a "Principles" [his word choice] meeting on May 31, 2005 (the day after Bradbury's third memo was released), trying to force Condi to face up to what she was approving.

The AG began by saying that Dr. Rice was not interested in discussing details and that her attitude was that if DOJ said it was legal and CIA said it was effective, then that ended it, without a need for detailed policy discussion. Pat and I urged the AG in the strongest possible terms to drive a full policy discussion of all techniques.

[snip]

I explained that even he and Bradbury believed that the legal question was extremely close; given that, and the details of what we are talking about, there needed to be a detailed factual discussion, followed by a full policy discussion. It would land on the President eventually and [sic] it simply could not be that the Principles would be willfully blind.

He sent Gonzales off with a list of the torture techniques to describe to Condi et al, but then came back and said everyone approved the torture.

He said the issues were fully presented and he had drawn my "worst-case scenario" for them. At the end, he said, all Principles approved the full list. He gave me no details. I relayed this to Pat Philbin just a few minutes ago. Both of us were quite surprised at that report, but agreed that we did not know exactly what had been presented and discussed, which is a vice—and, to some, a virtue—of the "Principles Only" meeting.

Comey, clearly, was hoping for an opportunity to force Bush (above all, seemingly) to understand that this torture would all reflect back on him one day. But "some" of those involved made sure that Comey never got that chance.

*(photo courtesy of Dom Dada)*