

MORE CIA LIES ABOUT TORTURE BRIEFINGS

Time has an important story matching a claim made in Steven Bradbury's July 20, 2007 OLC memo about Congressional briefings on torture with what the Senators themselves (particularly John McCain) say about briefing they received. The claim—which appears in the middle of a discussion about what shocks the conscience (pages 43-44)—is this:

Nevertheless, you have informed us that prior to passage of the Military Commissions Act, several Members of Congress, including the full memberships of the House and Senate Intelligence Committees and Senator McCain, were briefed by General Michael Hayden, Director of the CIA, on the six techniques that we discuss herein and that, General Hayden explained, would likely be necessary to the CIA detention and interrogation program should the legislation be enacted. In those classified and private conversations, none of the Members expressed the view that the CIA detention and interrogation program should be stopped, or that the techniques at issue were inappropriate. Many of those Members thereafter were critical in ensuring the passage of the legislation, making clear through their public statements and through their votes that they believed that a CIA program along the lines General Hayden described could and should continue.

The Time article focuses closely on McCain's objection to this representation:

A spokeswoman for McCain said that contrary to those claims, the Arizona Republican repeatedly raised objections in private meetings, including one with

Hayden, about the use of sleep deprivation as an interrogation technique. "Senator McCain clearly made the case that he was opposed to unduly coercive techniques, especially when used in combination or taken too far – including sleep deprivation," says Brooke Buchanan, a spokeswoman for McCain.

Less prominent, but important given her current position as Chair of SSCI investigating—among other things—CIA's lies about briefings, is this objection from DiFi:

In the weeks that followed, according to a person familiar with matter, California Democrat Diane Feinstein, a member of the committee, raised concerns with the CIA about use of enhanced interrogation techniques.

Now, some of the people briefed have already raised objections about the characterizations made of these briefings (for example, Feingold wrote a letter objecting to the program and later wrote objecting to Hayden's representations of his briefings on the program). Perhaps that's why Hayden is ready with his own objections about how these briefings were characterized.

A former senior intelligence official familiar with Hayden's discussions with Congress also told TIME that Bradbury's characterization of the discussions was incomplete – but in a different way. "Hayden didn't go to the committees seeking approval for the techniques: he was simply seeking guidance," says the official. "There was no singular view from the committees: there were people who wanted us out of the counter-terrorism business, and there were people who said, 'Why aren't we still doing waterboarding?'"

The official says Hayden had one short meeting with McCain, in the Senate cloakroom, but doesn't recall the details of that discussion. But, the official adds: "Hayden has never claimed that the committees told him, "You're good to go, no problem."

Now, the Time article claims that Bradbury "cite[d] a CIA summary" in his description of the briefings. That's not entirely clear—as noted above, he simply says, "you have informed us." So it's not clear whether John Rizzo—who appears to have made a great many questionable representations in his long history of soliciting OLC memos—just made shit up to imply Congressional sanction for sleep deprivation. Or whether, as has proven the case at least for at least ten other briefings, the CIA's own records misrepresent what happened in the briefings.

But one thing is clear—someone at the CIA is still lying about its torture briefings to Congress.