

HAYNES' MULTIPLE CHOICE MEMOS

Back in May, I wrote a post observing that when David Addington testified before the House Judiciary Committee, he seemed to be carefully choosing which August 1, 2002 Bybee Memo he answered questions about. For example, when Debbie Wasserman Schultz asks Addington whether he discussed torture methods described in the memo the Committee had been discussing (by context, the Bybee One memo), he response that that memo didn't discuss torture methods.

Ms. WASSERMAN SCHULTZ. On any of the trips, did you discuss interrogation methods that were directly referenced in the memo that we have been discussing here for this hearing?

Mr. ADDINGTON. I am not sure I remember this memo having methods discussed in it, frankly. [my emphasis]

So he never answers a much more interesting question—whether he shared the Bybee Two memo—which did list torture methods—with those at Gitmo.

Curiously, Jim Haynes seems to be doing the same in the Questions for the Record following up on his testimony before the Senate Armed Services Committee.

36. Senator CLINTON. Mr. Haynes, do you recall when you received the August 1, 2002, OLC memorandum from Jay Bybee to Attorney General Gonzales regarding the legality of interrogation methods?

Mr. HAYNES. I do not recall precisely when I received a copy of the August 1, 2002 opinion interpreting 18 U.S.C. §§ 2340–2340A. Too much time has passed and I have now seen the memo in so many contexts that I can no longer be certain

when I saw it for the first time. I cannot even recall whether I simply read the opinion at some point or whether I received a copy of the opinion and, if so, who transmitted the copy. I did, eventually, get a copy of that opinion, but I do not remember when I first got it.

From the context, Hillary may have referred to the Bybee One memo (the one equating torture with organ failure) using a description more apt for the Bybee Two memo (since the latter discussed the legality of interrogation methods).

But regardless of what Hillary meant to ask, Haynes crafts his answer to answer the question he wants to answer. She asks about the memo describing interrogation methods (which would be Bybee Two); he responds about the memo interpreting the statute (which would be Bybee One).

Someone really ought to ask these thugs these same questions about the Bybee Two memo.