

CONDI'S RESPONSE TO TENET'S REQUEST FOR A REVIEW OF TORTURE

Earlier this year, WilliamOckham found a document that appears to be George Tenet's request of Condi—on June 4, 2004—for reiteration of approval of torture and/or a White House document endorsing the torture policy (click through to the post to see WO's outline of the false information Tenet included in that document).

The ACLU has received Condi's response, sent a week later. (h/t MadDog) The summary of the response describes the document as "Memorandum from Condoleezza Rice ... regarding review of CIA's Interrogation Program." Condi appears to be putting Tenet off on DOJ.

I have reviewed your memorandum to me of June 4, 2004. As we have already discussed, the next logical step is for the Attorney General to complete the relevant legal analysis now in preparation. Once this work is completed and you have returned from your current travel, we can convene a Principals Committee meeting on this subject. In the interim, I will contact Attorney General Ashcroft to underscore the priority we attach to completing expeditiously the Department of Justice's legal analysis. I also encourage you to carry through on your expressed intention of talking to the Attorney General directly on this subject before any Principals Committee meeting.

Now, the document is interesting when read against the background of reports that—at precisely this time—Tenet requested a document from the White House endorsing torture as a

policy. That is, Condi's response to Tenet's request for a document from President Bush might have been to pawn Tenet off on DOJ.

With that in mind look at how these two documents—and Condi's instruction that DOJ would have to review the torture program next—fit into the timeline of debate between DOJ and CIA.

June 3, 2004: Tenet announces his resignation; John McLaughlin resigns as well. SOUTHCOM Commander James Hill traces source of abusive techniques used on al-Qahtani to SERE training.

June 2004: (After announcing his resignation) Tenet requests more explicit approval water-boarding.

June 4, 2004: Tenet requests review from Condi.

June 7, 2004: WSJ refers to March 2003 OLC opinion.

June 8, 2004: WaPo reports on details of Bybee Memo.

June 10, 2004: Goldsmith tells Muller that the Legal Principles are not an opinion of OLC, demands any more request for opinions to be in writing.

June 11, 2004: Condi responds to Tenet's request for review (Tenet receives this on June 14).

June 15, 2004: Goldsmith informs Ashcroft he will withdraw Bybee Memo and resigns. This effectively leaves the CIA with no legal protection for the water-boarding it had already done.

June 17, 2004: Jack Goldsmith announces his resignation.

June 18, 2004: Goldsmith writes Tenet telling him the IG Report mis-represents Ashcroft's statements.

June 22, 2004: In an off-the-record

briefing, Comey, Goldsmith, and Philbin renounce Bybee Memo. Rizzo sends Philbin copy of earlier approval from Yoo. Muller responds to Goldsmith saying he had forwarded the complaints to John Helgerson, but would release the IG Report that week.

No wonder things were getting so testy between CIA and DOJ. (It may also explain why Goldsmith only withdrew the Bybee One memo, and not the Bybee Two memo.)