

# **ONE OF DIANNE FEINSTEIN'S GREATEST LEGACIES: DOCUMENTING CIA'S TORTURE**

As we remember Dianne Feinstein, let's remember one of her most important legacies: documenting CIA's torture program.

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# **GINA HASPEL SEEMS TO ADMIT KNOWING JANE HARMAN OPPOSED TORTURE TAPE DESTRUCTION — JUST NOT CARING**

Gina Haspel's different treatment of Jane Harman's opposition to destroying the torture tapes and Carl Levin's moves to conduct an inquiry into torture suggest she really didn't care about Congressional concerns about retaining the tapes.

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# **RON WYDEN MAKES IT CLEAR GINA HASPEL**

# **PUSHED FOR TORTURE TO CONTINUE IN 2005**

One of Ron Wyden's questions of Gina Haspel makes it clear she was part of a successful effort to force DOJ and the White House to reauthorize torture in 2005 by torturing a detainee before approval had been finalized.

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# **“NOTWITHSTANDING”: HOW CONGRESS ENABLED CHUCK HAGEL AND ASH CARTER TO KEEP CHILD RAPE AND TORTURE FROM DISRUPTING FOREVER WAR**

After a victim of child rape by Afghan forces killed three Marines in Afghanistan in 2015, Congress asked SIGAR to investigate how Afghan units continue to receive funding in light of known human rights abuses. Congress has enabled violation of the Leahy laws that prevent such funding by stating that funds to Afghan forces can be provided “notwithstanding any other provision of law”.

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# **MIKE MORELL RESIGNS OUT OF CONSCIENCE BECAUSE OF [LEAKS ABOUT] TORTURE**

Mike Morell has discovered a conscience he apparently didn't have when his CIA was torturing people.

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# **MCCAIN HAS ONE WAY TO PREVENT TORTURE UNDER TRUMP — OPPOSE POMPEO AND SESSIONS**

John McCain's getting cranky as fuck about answering questions about Trump, even while getting adoring press for his promises he'll make sure Trump doesn't resume torture again. But there's just one thing he can do to prevent torture: prevent Trump's pro-torture nominees Jeff Sessions and Mike Pompeo from being confirmed.

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# **FALSE REASSURANCES: ON PIXIE DUSTED EXECUTIVE ORDERS,**

# APPENDIX M, AND PROXY DETENTION AND TORTURE

People are too complacent about whether and how Trump can exercise his authority as President. This post looks at two examples of authorities left over from the Bush Administration Trump can use.

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## TORTURE TAPE

This is an outdated replacement for one I've lost—I'm still looking for that one.

**September 17, 2001:** Bush signs Memorandum of Notification authorizing CIA to capture, detain, and interrogate al Qaeda figures.

**September 2001:** CIA/OGC begins research on interrogations issues.

**October 21, 2001:** OLC memo eviscerating 4th Amendment.

**December 17, 2001:** DoD OGC asks JPRA for information about detainee "exploitation."

**December 2001 or January 2002:** James Mitchell asked Bruce Jessen to review documents describing al Qaeda resistance training. They generated a paper on al Qaeda resistance capabilities and countermeasures.

**December 18, 2001:** Ibn Sheikh al-Libi captured. After being tortured, al-Libi made up stories about Al Qaeda ties to Iraq.

**December 27, 2001:** Rumsfeld announces plans to hold detainees at Gitmo.

**January 20, 2002:** Bybee to Abu Gonzales memo specifying that common article 3 of the Geneva

Convention does not apply to “an armed conflict between a nation-state and a transnational terrorist organization.”

**January 25, 2002:** Gonzales memo for Bush recommends against applying the Geneva Convention to enemy detainees.

**January 2002:** Supplemental Public Affairs Guidance on Detainees affirms Geneva Convention wrt *media* photographs.

**February 2, 2002:** William Taft argues for the application of Geneva Conventions.

**February 7, 2002:** Bush memo on Geneva Conventions.

**February 12, 2002:** Jessen sends paper on al Qaeda resistance capabilities to JPRA commander Randy Moulton.

**Before February 22, 2002:** After the interrogation team declares al-Libi compliant, Cheney orders him to be waterboarded again.

**February 22, 2002:** DIA voices doubts about al-Libi’s claims of Iraq-al Qaeda ties.

**March 28, 2002:** Abu Zubaydah taken into custody.

**March 29, 2002:** James Mitchell closes consulting company, Knowledge Works, in NC.

**March 31, 2002:** Abu Zubaydah flown to Thailand.

**April 2002:** CIA OGC lawyers begin conversations with John Bellinger and John Yoo/Jay Bybee on proposed interrogation plan for Abu Zubaydah. Bellinger briefed Condi, Hadley, and Gonzales, as well as Ashcroft and Chertoff.

**April 3, 2002:** CIA officer making notes on interrogation of Abu Zubaydah.

April 11, 2002: Yoo formally begins work on torture memos—but he had already done research by that point.

**April 16, 2002:** Bruce Jessen circulates draft exploitation plan to JPRA Commander. Yoo’s initial research discussed at NSC meeting.

**April 17, 2002:** Cable providing guidance on retention of videotapes.

**April 27, 2002:** Second email in series pertaining to torture tapes and their destruction.

April 30, 2002: First draft of Bybee Memo.

**May 2, 2002:** The US “un-signs” the International Criminal Court treaty.

**May 8, 2002:** Jose Padilla taken into custody based on material warrant signed by Michael Mukasey and based on testimony from Abu Zubaydah.

**Mid-May 2002:** CIA OGC lawyers meet with Ashcroft, Condi, Hadley, Bellinger, and Gonzales to discuss alternative interrogation methods, including waterboarding.

**May 17, 2002:** Sleep deprivation of Binyam Mohamed—deemed “cruel, inhuman, and degrading” by UK Court—completed. This was “new strategy designed by an expert interviewer.” Second draft of Bybee Memo completed.

May 22, 2002: Bybee nominated for Circuit Court Judge.

**Mid to Late May:** Ali Soufan leaves interrogation because of “borderline torture” (threat of small box confinement).

**May 28, 2002:** CIA HQ sends cable to Abu Zubaydah’s interrogators.

**June 25, 2002:** Moussaoui arraigned.

June 26, 2002: Third draft of Bybee Memo drafted.

**July 1-2, 2002:** JPRA conducts two-day training for CIA officers. Approved JPRA-techniques at the time include, “body slaps, face slaps, hooding, stress positions, walling, immersion in water, stripping, isolation, and sleep deprivation, among others.” The training included a demonstration of waterboarding. Two CIA lawyers explained that officers could use

"all forms of psychological pressure discussed and all of the physiological pressures with the exception of the 'water board.'"

July 8, 2002: Fourth draft of Bybee Memo; first one shared outside of OLC.

**July 10, 2002:** Date of first interrogation report from Abu Zubaydah cited in 9/11 Report.

July 11, 2002: Chertoff briefing on Bybee memo.

July 12, 2002: Yoo meets with WHCO Gonzales—and probably Addington and Flanigan—on draft.

**July 13, 2002:** CIA OGC (Rizzo?) meets with Bellinger, Yoo, Chertoff, Daniel Levin, and Gonzales for overview of interrogation plan and for briefing of Bybee Memo draft. Yoo writes initial okay for torture. Chertoff tells Yoo to draft letter saying DOJ won't pre-decline to prosecute before actions.

July 16, 2002: Yoo meets with Gonzales and probably Addington and Flanigan. All say they have no memory of what was discussed. The "pre-declination" and "advance pardon" discussion had already taken place. Yoo showed them the July 13 "how to break the law" memo.

**July 17, 2002:** Tenet met with Condi, who advised CIA could proceed with torture, subject to a determination of legality by OLC. Yoo "No pre-declination" letter drafted BUT NEVER SENT.

**Late July 2002:** Bybee discusses SERE with Yoo and Ashcroft.

**July 24, 2002:** OLC advises CIA that Ashcroft concluded attention grasp, walling, facial hold, facial slap, cramped confinement, and wall standing were legal. Yoo said he was waiting on more info from CIA on the more controversial techniques (including waterboarding and presumably the still redacted one) Date of Abu Zubaydah's psychological profile.

**July 26, 2002:** OLC tells CIA waterboarding is legal. CIA begins to waterboard Abu Zubaydah.

**July 31, 2002:** DIA issues second report doubting

al-Libi's confession of Iraq-al Qaeda ties.

**August 1, 2002:** "Bybee Memo" (written by John Yoo) describes torture as that which is equivalent to :the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death."  
11:00: One of only Bybee drafts with comments;  
4:45: Another Bybee comment draft; 10:30PM OLC faxes signed Bybee Two memo to CIA.

August 2, 2002: CIA (and DOD, though Yoo disclaims this) receives Bybee One memo—CIA by 4PM.

**August 20, 2002:** Field writes HQ discussing policy for security risks of videotape retention and suggests new procedure for videotape retention and disposal.

**September 4, 2002:** Porter Goss and Nancy Pelosi briefed on OLC memos, not told Abu Zubaydah had already been tortured.

**September 6, 2002:** One page email between CIA attorneys on revisions regarding disposition of torture tapes. Five-page email destruction proposal for torture tapes.

**September 11, 2002:** Ramzi bin al-Shibh captured, purportedly as a result of intelligence gained through torturing Abu Zubaydah.

**September 16, 2002:** JTF 170 Gitmo attend training at JPRA's SERE school.

**September 25, 2002:** Jim Haynes, John Rizzo, David Addington, Jack Goldsmith, Patrick Philbin, Alice Fisher visit Gitmo and Charleston (Padilla) and Norfolk (Hamdi) briggs.

**September 27, 2002:** Bob Graham and Richard Shelby briefed on torture.

**October 2002:** Abd al-Rahim al-Nashiri captured. Held and interrogated in Dubai for a month then handed over to US custody.

**October 2, 2002:** Gitmo lawyers draft list of new techniques; Johnathan Fredman (Chief Counsel to CTC) attends meeting.



**October 11, 2002:** Date of photograph Abu Zubaydah associated with contents of torture tapes.

**October 11, 2002:** Dunlavey requests authority to use aggressive techniques.

**October 25, 2002:** General Hill forwards Dunlavey's request to Richard Myers. Field writes HQ "discussing the security risks of videotapes are retained."

**November 2, 2002:** CIA proposes more intense counterterrorism program for "detained unlawful combatants," specifying torture techniques.

**November 6, 2002:** One page email from CIA officer to officers and attorneys "following up with the proper procedures for destruction of the interrogation video tapes."

**November, 2002:** Afghan detained in Kabul freezes to death in CIA custody.

**November, 2002:** Pavitt dispatches investigative team (to Afghanistan?) and informs Helgerson of interrogation program.

**November, 2002:** CTC implements training program for officers assigned to the Interrogation Program.

**"Twelve Days into Nashiri's Interrogation:"**  
Nashiri waterboarded two times.

**November 15, 2002:** Three-page email chain, including email from field to officers and attorneys at HQ, "expressing personnel concerns with the disposition of the video tapes" with "headquarters request to have a random independent review of the video tapes, before they are destroyed." al-Nashiri brought to torture site.

**November 16, 2002:** One-page email from Field to attorneys at HQ "informing headquarters of personnel concerns regarding the videotapes." Three-email chain (possibly including earlier email?) discussing draft language on logistics of destroying torture tapes.

**November 19, 2002:** HQ writes field discussing disposition of torture tapes and "the duties of the CIA attorney who is visiting the field to review the tapes."

**November 20, 2002:** Date on which spot report on Nashiri's interrogation—later forwarded to IG—written. Field writes HQ "discussing the OGC review" of torture tapes.

**November 21, 2002:** 5-page cable from field to HQ on Nashiri's interrogation.

**November 22, 2002:** Nashiri's capture publicly announced.

**November 23, 2002:** Abuse of Mohammed al-Khatani begins.

**November 27, 2002:** Haynes recommends Rumsfeld approve most aggressive techniques for use at Gitmo. Field writes HQ requesting to destroy torture tapes. HQ writes field "regarding disposition of tapes and discussion action for base compliance according to policy guidance." [Probably the day they waterboarded al-Nashiri, "without achieving any results."

**November 28, 2002:** Cable discusses CIA attorney's travel to field station to "survey video tapes and review pertinent logs, and cable traffic."

**November 30, 2002:** Field writes HQ regarding "disposition" of classified media in field.

**December 1, 2002:** CIA attorney's notes. Possibly on content of video?

**December 2, 2002:** Rumsfeld approves aggressive techniques for Gitmo. Yoo gives Haynes advice about a particular detainee, probably al-Qahtani.

**December 3, 2002:** Habibullah dies after being tortured. One page email outlining destruction plan for torture tapes. CIA HQ writes field regarding closing facility and destroying torture tapes.

**December 4, 2002:** CIA stops taping Abu Zubaydah

and al-Nashiri's interrogations.

**December 9 or 10, 2002:** Dilawar dies after being tortured.

**December 19, 2002:** Cable in coordination–destruction of tapes currently held in field. Short decision note on tapes issue (request for decision).

**December 20, 2002:** 3-page memo with cable from HQ to field regarding policies on tape usage and destruction. "Draft/outline of leaks memo" with request to destroy tapes. Email providing guidance on a short note decision regarding torture tapes.

**December 23, 2002:** First draft of memo by CIA OGC regarding disposition of torture tapes.

**December 24, 2002:** Unclassified change to first draft of memo on disposition of torture tapes. One-page email confirming receipt of memo regarding torture tapes (email has "Tapes–CTC memorandum re tapes" as subject).

**Late December 2003:** Unauthorized interrogation techniques used on al-Nashiri.

**January 2003:** Pavitt informs Helgerson of al-Nashiri abuse.

**January 2003:** CIA OIG starts investigation of detainee interrogation.

**January 2003:** Leonie Brinkema grants Moussaoui right to interview Ramzi Bin-al-Shibh by video.

**January 9, 2003:** Memo summarizing review of torture tapes. (An earlier Vaughn describes it–document 60–as five pages, not six.

**January 12, 2003:** Email asking what would make video tapes an official record. Email proposing how to reference torture tapes for briefing. Third email informing and reminding officers what actions would make the torture tapes an official record.

**January 13, 2003:** HQ writes Field providing guidance on procedures for retention of Abu

Zubaydah videotapes. Field responds to email regarding maintenance of video recordings.

**January 15, 2003:** After having three-times orally warned Jim Haynes that Gitmo interrogation techniques "could rise to the level of torture," Alberto Mora drafts memo and threatens to sign it unless techniques stopped. Techniques stopped. Rumsfeld convenes "Working Group" on interrogation, but Haynes directs Yoo to draft memo anyway.

January 16, 2003: Haynes and Rummy probably briefed on CIA torture.

January 24, 2003: DOJ finds out about abuse of al-Nashiri when Rizzo, Muller and someone else (Rodriguez) meet with Chertoff, Fisher, Yoo, and someone else to discuss torture.

**January 28, 2003:** Tenet writes memo to OLC outlining acceptable interrogation and confinement methods and stating that records must be kept. OGC informed of IG review. Helgeson informs Yoo CIA IG is looking into one of the abuse allegations.

**February 2003:** CIA claims to have informed Intell leadership of torture tapes' destruction; though SSCI has no records.

**February 4, 2003:** Pat Roberts is briefed on torture, along with staff director and minority staff director of Committee; Jay Rockefeller did not attend briefing.

**February 5, 2003:** Jane Harman and Porter Goss briefed on interrogation methods and torture tape.

**February 7, 2003:** Unclassified email asking how to accommodate a request for a review of video tapes.

**February 10, 2003:** Harman writes letter advising against the destruction of the tape.

**February 19, 2003:** Interview report for review of interrogations. Response to Harman drafted.

**February 22, 2003:** Email discusses meeting

between White House and CIA “regarding CIA’s response to a congressional inquiry.” Email is titled, “Harmon Letter.”

**February 28, 2003:** Scott Muller responds to Harman without addressing the tapes.

**March 2003:** According to NYT report, the CIA briefs Congress on destroying the torture tapes.

**March 2003:** Public Affairs Guidance for Media Coverage of EPWs and Detainees allows photos (within guidelines) but prohibits photographs of custody operations or interviews.

**March 1, 2003:** Khalid Sheikh Mohammed and al-Hasawi captured.

March 3, 2003: Yoo sends Scott Muller draft of Yoo memo—so Muller could make sure it did not detract from Bybee Memos.

**March 5, 2003:** Majid Khan captured.

**March 6, 2003:** KSM’s torture begins.

**March 13, 2003:** Jay Bybee leaves.

**March 14, 2003:** John Yoo opinion on torture, governing interrogations by DOD.

**After March 2003:** Roberts and Rockefeller briefed on torture.

**April 2003:** CIA Office of Medical Services disseminates draft guidelines for treatment of detainees.

**April 28, 2003:** Legal Principles on torture hand carried to John Yoo.

**April 29, 2003:** Walid bin Attash and Ali Abdul Aziz Mohammed captured.

**May 2003:** Government tells Leonie Brinkema it has no interrogation tapes.

**May 2003:** CIA OIG reviews torture tapes at black site.

May 30, 2003: Yoo leaves OLC.

**June 2003:** DDO Guidelines require that subject

pose a continuing serious threat.

**June 2003:** Abdul Weil dies after being interrogated by CIA.

June 2, 2003: Leahy writes Condi asking if detainees are treated humanely.

**June 6, 2003:** 9/11 Commission requests “all TDs and other reports” of intelligence information obtained from interrogations of forty named individuals from CIA, DOD, and FBI.

**June 8, 2003:** Bin Amin captured.

**June 16, 2003:** Legal Principles on torture faxed to Pat Philbin.

**June 26, 2003:** In speech, Bush says we will prosecute those who torture. In response, Tenet requests and gets memo approving of water-boarding—giving the program “top cover.”

**July 13, 2003:** CIA Directorate of Intelligence, *Khalid Shaykh Muhammed: Preeminent Source on Al-Qa’ida* (July 13, 2004) created.

June 16, 2003: Referring to Legal Principles, CIA MFR says was “drafted in substantial part by John Yoo.” (almost certainly OGC statement)

June 20, 2003: Meeting on how to respond to Leahy inquiry, attended by Scott Muller, Deputy WHCO David Leitsch, John Bellinger, Pat Philbin, and Whit Cobb (from DOD OGC). Philbin says treatment could be consistent with CAT. Response went out under Haynes signature.

July 2003: Goldsmith offered OLC AAG.

**July 29, 2003:** Tenet and Muller meet with Cheney, Condi, Ashcroft, Acting head of OLC?, DAAG, Gonzales, and Bellinger to discuss torture. Principals reaffirmed that program was lawful. CIA claims Ashcroft reaffirmed support for program, but Ashcroft contested their description of his approval. CIA showed the “Legal principles” slide.

**August 4, 2003:** 13-page cable discussing “disposition of the 92 videotapes.”

**August 11, 2003:** Bin Lep and Hambali captured.

**August 13, 2003:** Rumsfeld approves plan for Mohamedou Ould Slahi including sensory deprivation and "sleep adjustment."

**Mid-August 2003:** CJTF HQ in Iraq requests "wish list" of interrogation techniques, stating "we want these detainees broken."

**August 31 to September 9, 2003:** Major General Geoffrey Miller ordered to Abu Ghraib from Gitmo.

**September 2003:** OMS updates guidelines for detainee treatment.

**September 4, 2003:** Roberts and Rockefeller briefed; presentation compared torture with other interrogation methods.

**September 4, 2003:** Goss and Harman briefed; presentation compared torture with other interrogation methods.

**September 10, 2003:** Government refuses to let Moussaoui question Al Qaeda witnesses.

**September 16, 2003:** Colin Powell and Rummy briefed on torture (CIA implied Ashcroft attended but he did not).

**September 22 and September 25, 2003:** 9/11 discussions with CIA about interrogation process.

**October 1, 2003:** Hamdi petition filed with SCOTUS.

October 6, 2003: Goldsmith sworn in.

October 7, 2003: Goldsmith read into torture.

**October 7, 2003:** ACLU first FOIA documents pertaining to detainee interrogations.

**October 14 and 16, 2003:** 9/11 Commission sends questions to CIA General Counsel Scott Muller on interrogations.

October 16, 2003: Muller writes MFR claiming he told Goldsmith about "Legal Principles" when he

read him into torture on October 7.

**October 31 and November 7, 2003:** Response to 9/11 Commission with little new information.

**November 4, 2003:** Manadel al-Janabi killed in Iraq.

**Fall 2003:** General Sanchez visits Abu Ghraib regularly.

**December 2003:** Jack Goldsmith tells Rummy he will withdraw March 2003 opinion on torture.

**December 23, 2003:** 9/11 Commission requests access from Tenet to seven detainees; Tenet says no; Lee Hamilton asks for any responsive documents.

**January 5, 2004:** 9/11 Commission decides CIA responses inadequate.

**January 9, 2004:** SCOTUS agrees to hear Hamdi.

**January 13, 2004:** Joseph Darby gives CID a CD of images of abuse. CIA IG report 44 pages long.

**January 15, 2004:** Memo to Gonzales, Muller, and Steve Cambone asking for more information on interrogations.

**January 15, 2004:** General Craddick receives email summary of Abu Ghraib story.

**January 19, 2004:** General Sanchez requests investigation of allegations of abuse.

**January 20, 2004:** Craddick and Admiral Keating receive another notice of abuse.

**January 2004:** General Myers learns of Abu Ghraib abuse.

**January 23, 2004:** Hassan Ghul captured.

**January 24, 2004:** FBI On Scene Commander tells FBI Deputy Assistant Director Bald about Abu Ghraib.

**January 26, 2004:** After negotiations with Gonzales, Tenet, Rummy, and Christopher Wray from DOJ, 9/11 Commission accepts asking



questions through intermediary.

**January 31, 2004:** Taguba appointed to conduct investigation.

January 2004: CIA OIG Report drafted. OLC would get a copy, including CIA OGC's comments.

**February 2004:** Manadel al-Janadi's murder referred to EDVA.

**February 4, 2004:** IG Report drafted.

**February 9, 2004:** 9/11 Commission requests "all TDs and reports related to the attack on the USS Cole, including intelligence information obtained from the interrogations of Abd al Rashim al Nashiri" from CIA.

**February 2 to 29, 2004:** Taguba's team in Iraq, conducting investigation.

February 24, 2004: CIA OGC submits comments on IG Report.

**March 2, 2004:** Padilla interrogation. The tape of the interrogation would later disappear. Request for reaffirmation of torture approvals faxed to Jack Goldsmith. OPR report reports that Muller asked for reaffirmation of Yoo letter, Bybee One, Bybee Two, and Legal Principles. Goldsmith says this was first time he had ever seen Legal Principles, that it appeared to be CIA doc.

**March 9, 2004:** Taguba submits his report.

March 13, 2004: Goldsmith and Philbin go to Comey's house to tell him they'll have to withdraw the torture memo.

**Late March, 2004:** 60 Minutes II starts on Abu Ghraib story.

**April 2004:** General Miller ordered to Abu Ghraib to fix problems.

**April 7, 2004 (approximately):** 60 Minutes II acquires photos authenticating Abu Ghraib story.

**April 12, 2004:** Email discussing what would make torture tapes an official record.

**Mid-April, 2004:** General Myers calls Dan Rather to ask him to delay story.

**Mid-April, 2004:** Taguba begins to brief officers on his report ("weeks" before his May 6 meeting with Rummy).

**April 23, 2004:** Goldsmith approves four techniques for use by DOD: "verbal strategems," "Mutt and Jeff," providing/removing reward, isolation.

**April 28, 2004:** Hamdi and Padilla argued before SCOTUS. Paul Clement assures the Court that we don't torture. 60 Minutes breaks Abu Ghraib story and proves he's wrong.

**May 2004 (within days after Abu Ghraib becomes public):** CIA briefing for Addington, Bellinger, and Gonzales on torture tapes.

**May 6, 2004:** Taguba meets with Rummy, Wolfowitz, Cambone, Myers, and others

In the meeting, the officials professed ignorance about Abu Ghraib. "Could you tell us what happened?" Wolfowitz asked.

[snip]

"Here I am," Taguba recalled Rumsfeld saying, "just a Secretary of Defense, and we have not seen a copy of your report. I have not seen the photographs, and I have to testify to Congress tomorrow and talk about this."

**May 7, 2004:** Rummy testifies before Congress on Abu Ghraib.

**May 7, 2004:** CIA OIG draft report on interrogation techniques.

**May 2004:** Muller meets with Gonzales, Addington, Bellinger, and "senior DOJ officials" about the IG report.

**May 10 2004:** Sy Hersh's Abu Ghraib story.

**May 11, 2004:** Goldsmith memorializes approval of

four techniques for use by DOD.

May 17, 2004: OMS Guidelines on torture.

**May 19, 2004:** FBI reiterates Agents should not be involved in coercive interrogations.

**May 20, 2004:** 9/11 Commission asks about Abu Zubaydah reference to Saudi prince; they get no response.

**May 25, 2004:** In a letter to Helgerson, Jack Goldsmith describes having recently received the IG Report from Muller.

**May 27, 2004:** Goldsmith tells Muller to stop waterboarding.

**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 waterboarding.

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

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

June 9, 2004: Goldsmith speaks to Yoo about Legal Principles.

**June 10, 2004:** Goldsmith writes memorandum to the files stating that Yoo vaguely remembered giving Haynes advice on torture in late 2002. Goldsmith tells Muller that the Legal Principles are not an opinion of OLC, demands any more request for opinions to be in writing.

June 14, 2004: Muller writes letter to Goldsmith explaining that the Legal Principles were meant to be used with the OIG report.

**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 16, 2004: Goldsmith submits resignation letter, originally w/August 6 last date.

**June 17, 2004:** Jack Goldsmith announces his resignation.

**June 18, 2004:** Goldsmith writes Tenet telling him the IG Report mis-represents Ashcroft's statements. Goldsmith transmits comments to Helgeson, notes two areas of dispute.

June 21, 2004: Frank Wolf requests OPR investigation of Bybee Memo.

**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 Helgeson, but would release the IG Report that week.

**June 23, 2004:** Muller transmits CIA OIG report to Roberts, Rockefeller, and staff directors, with Goldsmith's objections.

**June 24, 2004:** Ted Olson announces his resignation, citing frustration that he did not learn of memos justifying legal decisions.

**June 28, 2004:** Hamdi decision.

**June 29, 2004:** John McLaughlin confirms that CIA "has taken and completed all reasonable steps necessary to find the documents in its possession, custody, or control responsive" to the 9/11 Commission's formal requests and "has produced or made available for review" all such documents.

**July 2004:** Scott Muller resigns as General Counsel of CIA.

**July 2004:** Principals meeting—all agree to seek new OLC memo.

**July 2004:** CIA briefs Roberts and Rockefeller on IG Report; CIA indicates it is determining whether program consistent with CAT.

**July 2, 2004:** Helgeson responds to Goldsmith, telling him they can't revise the Report, but will circulate corrections with the document. Bellinger, Comey, Muller meet, after which Muller followed up to say approved techniques included all the Bybee Memo techniques except waterboarding, and all the April 2003 DOD techniques.

**July 7, 2004:** Goldsmith follows up on July 2 conversation, making it clear this pertains to specific detainee, cautioning CIA to stick to limits in documents.

**July 11, 2004:** Tenet's resignation effective.

**mid-July 2004:** CIA gets its more detailed authorization for water-boarding.

**July 13, 2004:** Porter Goss and Jane Harman briefed on IG report and legal issues.

**July 14, 2004:** Associate Deputy Attorney General (?) explains Senate reservation on CAT.

**July 15, 2004:** Pat Roberts and Jay Rockefeller briefed on IG report and legal issues.

July 16, 2004: Last of replacement drafts of Bybee Memo.

July 17, 2004: Goldsmith moves up resignation date to July 17.

**July 20, 2004:** CIA requests new legal advice from OLC (13 page letter).

**July 22, 2004:** Ashcroft confirms to Acting DCI McLaughlin that all techniques except waterboarding legal under CAT. Levin refuses to approve waterboarding without more details.

July 23 ,2004: Bradbury meets with Marhsall Jarrett on Bybee memo, asks him not to pursue investigation.

**July 25, 2004:** Ghailani captured.

August 4, 2004: Levin and others meet with CTC about waterboarding.

**August 6, 2004:** Daniel Levin advises that

subject to reservations, CIA's use of waterboarding not illegal.

August 9, 2004: OPR asks for more information.

August 31, 2004: OPR receives more information, including materials from hard drives of those who worked on it.

**September 22, 2004:** Porter Goss becomes DCI.

Late September, 2004: CIA answers Levin's questions on waterboarding, nudity, water dousing, and sleep deprivation.

October 12, 2004: CIA responds.

October 25, 2004: OPR starts investigation.

**November 2004:** Steven Kappes resigns; Jose Rodriguez replaces him as Deputy Director of CIA for Operations. Rodriguez is reported to be the person who ordered the terror tapes' destruction.

**November 10, 2004:** Two page email chain on videotapes and OIG's open investigation.

**December 30, 2004:** Daniel Levin writes new torture memo (he's the guy who waterboarded himself so he could prove it was torture); it ignores the questions about torture's compliance with the 5th, 8th, and 14th amendments under CAT.

**January 2005:** Abu Gonzales renounces the Bybee Memo, sort of.

January 15, 2005: CIA sends updated CMS guidelines and comments on January 8 draft of torture memo.

**January 25, 2005:** Crazy Pete Hoekstra and Jane Harman briefed.

**February 2005:** Senior CIA official provides incomplete account of CIA treatment of detainees at HPSCI briefing.

**February 3, 2005:** Gonzales confirmed.

**February 4, 2005:** Acting Assistant Attorney

General of the OLC Daniel Levin writes to DOD General Counsel Haynes reminding him again of both Goldsmith's opinion and Philbin's testimony. He informs Haynes that the March 2003 Yoo memo has been formally withdrawn. That was his last day at OLC.

February 5 to February 14, 2005: Bradbury acting AAG.

**February 9, 2005:** EDVA orally declines to prosecute al-Janabi's murder.

**February 14, 2005:** Gonzales sworn in.

**February 22, 2005:** EDVA letter declining prosecution of Manadel al-Janabi's murder.

**March 2, 2005:** Memorandum for Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, from [redacted], DCI Counterterrorist Center, *Re: Effectiveness of the CIA Counterintelligence Interrogation Techniques* created and provided to OLC.

**March 6, 2005:** NYT reports on extraordinary renditions.

**March 7 2005:** CIA briefs Roberts and Rockefeller on torture.

**March 8, 2005:** CIA and Cheney briefs Roberts, Rockefeller, Goss, and Harman on torture.

**April 8, 2005:** May 10, 2005 Bradbury memos drafted.

**April 15, 2005:** Fax from [redacted], DCI Counterterrorist Center, *Briefing Notes on the Value of Detainee Reporting* created.

**April 20, 2005:** DOJ announces Comey's resignation.

**April 22, 2005:** Moussaoui pleads guilty. Comey meets with AGAG, Philbin, Bradbury.

April 26, 2005: Comey meets with Gonzales

**May 2005:** Jello Jay Rockefeller writes to CIA IG requesting terror tape investigation materials;

he doesn't receive them.

**May 10, 2005:** DOJ produces two memos allowing CIA to torture. (Techniques, Combined)

**May 25, 2005:** Flanigan nominated for DAG.

**May 30, 2005:** DOJ produces another torture memo.

**June 1, 2005:** Cheney CYA document created.

**Summer 2005:** Negroponte writes a memo to Porter Goss strongly advising him not to destroy the torture tapes.

**June 2005:** Senior CIA Officer tells SSCI the CIA does not engage in cruel or inhuman treatment.

**June 23, 2005:** Bradbury nominated to head OLC.

**July 2, 2005:** Public Affairs Guidance for High Value Individual Capture permits photographing high value detainees (within guidelines).

**July 21, 2005:** House passes revised version of PATRIOT Act.

**July 28, 2005:** CIA's attorney provides "his client" opinion "regarding DNI's position [regarding] the destruction" of the torture tapes.

**July 30, 2005:** Senate passes revised version of PATRIOT Act.

**July 21, 2005:** Cheney attempts to persuade McCain and others not to restrict detention policies.

The Bush administration in recent days has been lobbying to block legislation supported by Republican senators that would bar the U.S. military from engaging in "cruel, inhuman or degrading treatment" of detainees, from hiding prisoners from the Red Cross, and from using interrogation methods not authorized by a new Army field manual.

**August 1, 2005:** 101st Airborne Division Detention SOP states that "detainees will not be



photographed, humiliated or placed in positions with sexual overtones." Division General Order Number 1 (not clear if this is part of the SOP or not) prohibits soldiers taking photographs of detainees **unless conducted pursuant to official duties, which include, intelligence gathering and official investigations.**" [my emphasis]

**August 15, 2005:** Comey's Farewell Address.

**October 2005:** Bradbury notes in QFR that we abide by Article 16.

**October 5, 2005:** McCain's Detainee Treatment Act passes Senate; it prohibits cruel and unusual treatment for all detainees and makes the Army Field Manual the standard for all DOD detainees.

**October 7, 2005:** Tim Flanigan withdraws from consideration for DAG.

**October 18, 2005:** Ted Stevens and Thad Cochran briefed on torture; they were two of just 9 Senators who opposed DTA and both had already been named as conferees on bill.

**October 20, 2005:** The week before the House and Senate meet to resolve the bill, Cheney makes a third attempt to convince McCain not to restrict the use of torture, which McCain again rejects.

**October 26, 2005:** CIA OIG sends report on Manadel al-Janabi's death to EDVA.

**Late October, 2005:** McCain briefed on torture—probably on October 20, 2005 meeting with Goss and Cheney.

**October 22, 2005:** USCENTCOM Policy Prohibiting Photographing or Filming Detainees ... or Posting Visual Images Depicting Human Casualties prohibits photographing or filming detainees **as well as the possession, distribution, transfer or position ... of visual images depicting detainees.**" [my emphasis]

**October 22, 2005:** Paul McNulty—whose ED VA USA Office oversaw Moussaoui prosecution—nominated to be Deputy Attorney General.

**October 31, 2005:** Bill Frist briefed on torture.

**November 1, 2005:** Bill Frist briefed on torture.

**November 1, 2005:** Dana Priest reveals the use of black sites in Europe. In response, CIA starts moving detainees from the countries in question.

**November 3, 2005:** Leonie Brinkema inquires whether govt has video or audio tapes of interrogations. CIA IG Report on Manadel al-Janabi's death completed.

**November 4, 2005:** Member of Congress writes four page letter to CIA IG.

**November 7, 2005:** Detention Operations at Multinational Corps-Iraq prohibits coalition and Iraqi forces from photographing detainees.

**November 8, 2005:** CIA requests permission to destroy torture tapes. CIA reaffirms March 2005 statement that all interrogation methods are lawful. Duncan Hunter briefed on torture. Pete Hoekstra briefed on torture.

**November 9, 2005:** CIA confirms destruction of torture tapes. Doug Jehl article on spring 2004 CIA IG report on interrogation methods appears.

**November 10, 2005:** CIA attorney sends email to CIA officers discussing torture tape destruction.

**November 14, 2005:** Govt tells Brinkema it has no audio or video tapes.

**November 22, 2005:** DOJ brings charges against Padilla, avoiding an imminent hearing on the case before SCOTUS.

**November 25, 2005:** 3-page email chain providing background information on torture tape destruction.

**December 2005:** Condi and Hadley states US policy accords with Article 16.

**December 13, 2005:** The Army approves new Field Manual, which seems to push the limits intended by McCain's amendment.

**December 14, 2005:** PATRIOT Act reauthorization

comes out of conference.

**December 16, 2005:** Risen and Lichtblau's first story on the NSA domestic spy program. Cheney provides emergency briefings on program. PATRIOT Act reauthorization defeated in Senate.

**December 19, 2005:** The House passes the Conference Report on McCain torture bill.

**December 20, 2005:** The Administration writes document clarifying its policy on photographing detainees.

**December 21, 2005:** The Senate passes the Conference Report on McCain torture bill.

**December 2005:** Porter Goss writes memo refusing to torture anymore without a new DOJ approval.

**December 22, 2005:** House passes one month extension of PATRIOT Act.

**December 30, 2005:** President Bush signs the Appropriations Bill, issuing a signing statement "interpreting" the McCain amendment.

**Christmas break, 2005-2006:** Hadley calls Goss to try to get him to back off memo.

**April 20, 2006:** Mary McCarthy fired from CIA, purportedly for leaking to Dana Priest.

**May 4, 2006:** Moussaoui sentenced to life in prison.

**May 5, 2006:** Porter Goss resigns as DCI; General Michael Hayden replaces him.

**June 29, 2006:** Hamdan v. Rumsfeld rules Article 3 applies to al Qaeda.

**Summer 2006:** Condi wins argument to move high value detainees to Gitmo.

**July 11, 2006:** Roberts and Rockefeller briefed on "potential to revive use of the [torture] program."

**July 24, 2006:** Steven Kappes returns to CIA as Deputy Director.

**August 2006:** Opinions on Detainee Treatment Act, "interpretation" of Common Article 3, both on confinement.

**September 6, 2006:** Bush admits to secret detention program for High Value Detainees. All members of SSCI obtain access to CIA IG Report and Bybee II Opinion. Hayden briefs Frist and Reid. Hayden briefs Jane Harman. Hayden briefs full SSCI committee (less Ron Wyden). Hayden briefs full HPSCI (Mike Rogers did not attend second briefing).

**September 19, 2006:** Bill Young and John Murtha briefed (Murtha not present for torture techniques discussion).

**October 6 to 10, 2006:** ICRC visits High Value Detainees at Gitmo.

**October 17, 2006:** The Military Commissions Act signed into law.

**November 2006:** CIA claims SSCI was informed the Al Qaeda torture tapes were destroyed; SSCI claims it has no records to back that claim.

**November 16, 2006:** CIA briefs most of SSCI (Roberts, DeWine, Rockefeller, Bayh, Bond, Chambliss, Feingold, Feinstein, Levin, Lott, Mikulski, Warner).

**November 16, 2006:** CIA briefs HPSCI on torture.

**December 4 to 14, 2006:** ICRC makes second visit to High Value Detainees.

**December 19, 2006:** Hayden briefs Silvestre Reyes.

February 9, 2007: Bellinger writes State's objections to torture.

**February 14, 2007:** ICRC completes report on 14 High Value Detainees.

February 19, 2007: Bradbury letter challenges Bellinger's objections.

**March 9, 2007:** Padilla attorneys reveal March 2, 2004 tape missing.

**March 14, 2007:** Hayden briefs HPSCI.

**April 12, 2007:** CIA briefs ICRC Report on torture to most of SSCI (Rockefeller, Bond, Levin, Feinstein, Burr, Hatch, Warner, Feingold, Chambliss, Nelson).

**May 15, 2007:** DoD issues document preservation order for documents relating to Jessen Mitchell.

**June 19, 2007:** John Rizzo nomination hearing—briefs torture to Rockefeller, Bond, Bayh, Feingold, Feinstein, Levin, Snowe, Warner, Whitehouse, Wyden.

**July 2007:** EO 13440 interprets Common Article 3. OLC issues legal opinion analyzing torture. **Does not include analysis of anti-torture statute** but refers to May 2005 opinions. Does not address waterboarding.

**July 20, 2007:** OLC opinion on enhanced techniques.

**August 2, 2007:** SSCI hearing on EO 13440, Common Article 3. (Rockefeller, Bond, Chambliss, Feingold, Feinstein, Levin, Mikulski, Nelson, Snowe, Wyden, Warner.

August 29, 2007: OPR first gets copies of Combined and CAT memos.

**September 13, 2007:** In the course of a different national security matter, CIA discovers interrogation tapes not disclosed during the Moussaoui trial.

**September 14, 2007:** CIA announces Michael Sulick will return to lead Directorate of Operations.

**September 17, 2007:** Michael Mukasey, who signed off on a warrant based on the torture testimony of Abu Zubaydah, nominated to be Attorney General.

**September 25, 2007:** John Rizzo's nomination to be CIA General Counsel withdrawn. Two page email, with attachments, discussing the review and disposition of 3video tapes.

**September 30, 2007:** Jose Rodriguez (purported to

be the person that ordered the destruction of the tapes) retires.

**October 5, 2007:** Email between CIA officers granting approval to destroy tapes.

**October 11, 2007:** Michael Hayden announces investigation into CIA's IG, John Helgerson. Hayden discusses "number of detainees subjected to" torture with John Murtha.

**October 25, 2007:** DOJ informs Leonie Brinkema that they've discovered three interrogation tapes.

**November 2, 2007:** Cheney Counsel Shannen Coffin leaves, with little notice.

**November 9, 2007:** Bill Nelson briefed on torture.

**December 6, 2007:** NYT reports that CIA destroyed tapes.

**December 11, 2007:** Hayden briefs SSCI on torture tapes, reading techniques used on Abu Zubaydah (including waterboarding) during hearing (Feinstein, Wyden, Bauh, Mikulski, Feingold, Nelson, Whitehouse, Levin, Warner, Hagel, Hatch, Snowe, Burr).

**December 14, 2007:** Michael Mukasey refuses to share information on torture tape inquiry with Congress, citing the need to avoid politicization of investigation (he would later change his mind).

**January 2, 2008:** Mukasey announces criminal investigation of torture tape destruction.

**January 16, 2008:** John Rizzo, acting General Counsel for the CIA, testifies before HPSCI about torture tape destruction. Jose Rodriguez refuses to testify without immunity. (Reyes, Eshoo, Hoekstra, Schakowsky, Rogers, Roppersberger, Issa, Gallego, Thornberry, Langevin, Cramer, Everett, Boswell, McHugh, Tiahrt, Murphy, Holt.)

**January 30, 2008:** Mukasey states waterboarding not used.

**February 5, 2008:** Michael Hayden admits to waterboarding of three detainees at Annual SSCI Threat Assessment briefing. (Feinstein, Rockefeller, Bayh, Whitehouse, Warner, Hatch, Feingold, Snowe, Chambliss, Nelson, Bond.)

**February 14, 2008:** HJC OLC oversight hearing. (Jerry Nadler, Trent Franks, Artur Davis, Mel Watt, Bobby Scott, Darrell Issa, John Bradbury, Keith Ellison.)

**February 14, 2008:** Steven Bradbury admits waterboarding "adapted from SERE."

**March 31, 2008:** 2003 Yoo Torture Memo declassified.

**May 13, 2008:** Convening Authority dismisses all charges against al-Qahtani.

**May 19, 2008:** Administration makes "all" OLC opinions "and other documents" available to SSCI.

December 22, 2008: First draft of OPR report.

**April 6:** NYRB posts the Red Cross report on high value detainees.

**April 8, 2009:** Dusty Foggo interviewed in torture tape case.

**April 9:** CIA Director Leon Panetta bans contractors from conducting interrogations, black sites.

**April 16:** Obama statement on memo release, torture memos released:

- **August 1, 2002:** Memo from Jay Bybee, Assistant Attorney General, OLC, to John A. Rizzo, General Counsel CIA
- **May 10, 2005:** Memo from Steven Bradbury, Acting Assistant Attorney General, OLC, to John A. Rizzo,

General Counsel CIA  
[“Techniques”]

- May 10, 2005: Memo from Steven Bradbury, Acting Assistant Attorney General, OLC, to John A. Rizzo, General Counsel CIA [“Combined”]
- May 30, 2005: Memo from Steven Bradbury, Acting Assistant Attorney General, OLC, to John A. Rizzo, General Counsel CIA

**April 21:** Senate Armed Services Committee releases declassified Inquiry into the Treatment of Detainees in US Custody.

**April 22:** Senate Intelligence Committee releases declassified Narrative Describing the Department of Justice Office of Legal Counsel’s Opinions on the CIA’s Detention and Interrogation Program (Jello Jay’s statement on the release).

**April 23:** Ali Soufan, FBI interrogator, publishes NYT op-ed describing early interrogation of Abu Zubaydah.

**April 23:** DOJ announces it will release a number of photos showing detainee abuse that had previously been FOIAed, along with thousands more.

**April 24:** In ACLU FOIA case, Judge Hellerstein orders a more expansive response on torture tape documents from CIA.

**April 24:** WaPo releases JPRA memo—which had been circulated among the torture architects—using the word “torture” and warning that torture will beget false information.

**May 4, 2009:** Yoo submits comments on OPR report.



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# TORTURE DOCUMENT DUMP

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April 9: CIA Director Leon Panetta bans contractors from conducting interrogations

April 16: Obama statement on memo release, torture memos released:

- August 1, 2002: Memo from Jay Bybee, Assistant Attorney General, OLC, to John A. Rizzo, General Counsel CIA
- May 10, 2005: Memo from Steven Bradbury, Acting Assistant Attorney General, OLC, to John A. Rizzo, General Counsel CIA ["Techniques"]
- May 10, 2005: Memo from Steven Bradbury, Acting Assistant Attorney General, OLC, to John A. Rizzo, General Counsel CIA ["Combined"]
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April 21: Senate Armed Services Committee

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April 22: Senate Intelligence Committee releases declassified Narrative Describing the Department of Justice Office of Legal Counsel's Opinions on the CIA's Detention and Interrogation Program (Jello Jay's statement on the release)

April 22: Pete Hoekstra op-ed about torture briefings

April 23: Ali Soufan, FBI interrogator, publishes NYT op-ed describing early interrogation of Abu Zubaydah

April 23: DOJ announces it will release a number of photos showing detainee abuse that had previously been FOIAed, along with thousands more

April 23: Pelosi press conference describing briefings

April 24: Greg Sargent gets a copy of Cheney's request for two documents to make his "efficacy" case

April 24: In ACLU FOIA case, Judge Hellerstein orders a more expansive response on torture tape documents from CIA

April 24: WaPo releases JPRA memo—which had been circulated among the torture architects—using the word "torture" and warning that torture will beget false information

April 25: Porter Goss op-ed on torture briefings

May 7: CIA releases torture briefing list

May 18: CIA interrogation index

June 6: NYT publishes Comey emails

June 8: CIA submits Panetta declaration, Vaughn Index (Part One, Part Two)

August 24, 2009: CIA Inspector General Report and OLC documents released (2002-2005; 2006-2009)

August 31, 2009: CIA releases latest Vaughn Index

February 19, 2010: Congress releases OPR Report

## **Torture Reviews**

May 7, 2004: CIA IG Report on Torture

February 14, 2007: International Committee of the Red Cross, Report on Treatment of 14 High Value Detainees

May 28, 2008: DOJ IG Report on Torture

April 22, 2009: Senate Armed Services Committee Inquiry into the Treatment of Detainees in US Custody (Backup to the report)

April 22: Senate Intelligence Committee, Narrative Describing the Department of Justice Office of Legal Counsel's Opinions on the CIA's Detention and Interrogation Program

February 19, 2010: OPR Report on torture [for searchable copies, go [here](#)]

- *Memorandum for the Attorney General*
- *OPR Final Report*
- *OPR 1st Draft Report*
- *OPR 2nd Draft Report*
- *Yoo Response to OPR 2nd Draft*
- *Yoo Response to OPR Final Draft*
- *Bybee Response to OPR 2nd Draft*
- *Bybee Response to OPR Final Draft*
- *Letter from Mukasey and Filip to Jarrett*
- *Letter from DOJ to*

## *Chairman Conyers*

December 13, 2014: Senate Intelligence  
Committee Report

### ▪ *Report*

#### **OLC Memos**

August 1, 2002: Yoo Letter to Gonzales

August 1, 2002: Bybee One Memo

August 1, 2002: Bybee Two Memo

March 14, 2003: Yoo DOD Torture Memo

December 30, 2004: Daniel Levin Torture  
Memo

May 10, 2005: Memo from Steven Bradbury,  
Acting Assistant Attorney General, OLC,  
to John A. Rizzo, General Counsel CIA  
[“Techniques”]

May 10, 2005: Memo from Steven Bradbury,  
Acting Assistant Attorney General, OLC,  
to John A. Rizzo, General Counsel CIA  
[“Combined”]

May 30, 2005: Memo from Steven Bradbury,  
Acting Assistant Attorney General, OLC,  
to John A. Rizzo, General Counsel CIA

April 13, 2006: Legal Review of  
Department of Defense Draft Documents  
(Appendix M)

#### **Congressional Committee Hearings**

June 19, 2007: John Rizzo Confirmation  
Hearing (SSCI)

February 14, 2008: Steven Bradbury (HJC)

June 17, 2008: Shiffrin, Baumgartner,  
Ogrisseg, Beaver, Dalton, Mora, Haynes  
(SASC)

June 18, 2008: Daniel Levin and Lawrence

Wilkerson (HJC)

June 26, 2008: David Addington and John Yoo (HJC)

July 15, 2008: Doug Feith (HJC)

July 17, 2008: John Ashcroft (HJC)

September 25, 2008: Moulton, Kleinman (SASC)

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## HILLARY PROMISES NOT TO ORDER THE MILITARY (!?!) TO TORTURE

Though I agree with the general sentiment that Donald Trump should not be trusted with America's nuclear codes, there's a lot I loathed in Hillary's foreign policy speech yesterday.

Her neat espousal of American exceptionalism, with the specter that another country could make decisions about our lives and jobs and safety, is especially rich coming from a woman who has negotiated several trade deals that give corporations the power to make decisions about our lives and jobs and safety.

I believe with all my heart that America is an exceptional country – that we're still, in Lincoln's words, the last, best hope of earth. We are not a country that cowers behind walls. We lead with purpose, and we prevail.

And if America doesn't lead, we leave a vacuum – and that will either cause chaos, or other countries will rush in to fill the void. Then they'll be the ones making the decisions about your lives and jobs and safety – and trust

me, the choices they make will not be to our benefit.

That is not an outcome we can live with.

The rest of her riff on American exceptionalism – with weird claims like, “America’s network of allies is part of what makes us exceptional” and “Allies provide staging areas for our military” – is worth an entirely separate post.

Her cavalier invocation of dead bodies and prolonging depressions exhibits a lack of self-awareness.

I’m frankly baffled by her description of her plan to defeat ISIS, as well as her warnings elsewhere about allowing terrorists in Syria or emboldening ISIS, both of which past Hillary actions have done.

We need to lash up with our allies, and ensure our intelligence services are working hand-in-hand to dismantle the global network that supplies money, arms, propaganda and fighters to the terrorists. We need to win the battle in cyberspace.

[Applause]

And of course we need to strengthen our defenses here at home.

That – in a nutshell – is my plan for defeating ISIS.

Hillary never talks about how she’ll get the Saudis – one of those allies she wants to “lash up with” – to stop fostering terrorism. That seems like a first step.

I’m even more curious what she intends with “strengthening our defenses here at home,” especially coming just lines after she falsely claimed San Bernardino was an ISIS attack? We already arrest scores of people for their support for ISIS, for doing things like RTing

ISIS propaganda. To do much more – and to find the San Bernardino couple before they attacked – would have required far more domestic spying. Is that what Hillary has planned?

But here's the thing that most disturbs me about her hawkish speech. Note how she attacked Trump for his embrace of torture.

He has said that he would order our military to carry out torture and the murder of civilians who are related to suspected terrorists – even though those are war crimes.

[snip]

So it really matters that Donald Trump says things that go against our deepest-held values. It matters when he says he'll order our military to murder the families of suspected terrorists. During the raid to kill bin Laden, when every second counted, our SEALs took the time to move the women and children in the compound to safety. Donald Trump may not get it, but that's what honor looks like.

Two times in a formal, pre-written speech, delivered with tele-prompters, Hillary claimed Trump had said he'd order *our military* to carry out torture and murder of civilians. But that's not what he said. He spoke generally, and when speaking of torture he has talked about "interrogators," without reference to agency. Sure, that could mean DOD (and some DOD interrogators did torture under George Bush). It could also mean the FBI, the agency which currently leads high value interrogations and which John Brennan has said must have its "own processes and procedures and laws that govern its activities," separate from the techniques permitted in the Army Field Manual.

But the assumption of everyone listening to Donald Trump's promise to torture was that he'd ask CIA to do the business. Both former CIA

Director Michael Hayden and current CIA Director John Brennan thought that's what he meant, anyway.

While Hillary was Secretary of State, the government killed the son of Anwar al-Awlaki, effectively murdering the family of a suspected (dead) terrorist.

It's bad enough that she's lecturing Trump about our deepest-held values. But she's also not promising to the one thing she appears to be promising: refusing to order the CIA – not the military – not to torture.