

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

Gina Haspel provided two significantly different responses in questions for the record about her knowledge of Jane Harman's opposition to torture tape destruction and Carl Levin's proposal to launch a commission to investigate torture.

Here's how she answered a Dianne Feinstein question about Harman, who first said CIA shouldn't destroy the tape in 2003 while serving as Ranking Member.

Question: (U) At the time of the tapes' destruction, were you aware of the request from Representative Jane Harman that the videos be preserved? Were you aware of CIA attorneys' concerns that congressional investigators or a congressionally authorized commission might seek access to them? Were you aware of the White House Counsel's and Director of National Intelligence's instructions that they not be destroyed?

Response: (U) To the best of my recollection, at the time of the destruction of the videotapes, I was aware of concerns raised in several quarters about destroying the tapes, but I was told that there were no legal prohibitions to destroying the tapes. Ultimately, the decision to destroy the tapes was made by the former Deputy Director for Operations.

In response to a question about Harman, Haspel

admits that she was aware of opposition to destroying the tapes (Harman's opposition showed up in a number of internal reviews, so there would have been a paper trail documenting her knowledge). Her response suggests Congressional opposition to destroying the tapes did not affect the legal question.

Compare that to her answer about Carl Levin's initial efforts to conduct an inquiry into torture just days before the tapes were destroyed.

Question: (U) Were you aware that legislation had been introduced in the U.S. Congress to review detainee issues when you drafted the cable authorizing the destruction of detainee interrogation videotapes on November 8, 2005? Please describe all conversations you had regarding congressional oversight of this matter prior to the destruction of the videotapes.

Response: (U) To the best of my recollection, I was not aware of this proposed legislation and I do not recall any discussions pertaining to congressional oversight of detainee videotapes prior to the destruction in November 2005.

Here, she offers a "do not recall" answer, probably because she and Jose Rodriguez did not memorialize any discussions of the possibility that Congress might shortly demand that CIA retain the tapes, if they had any discussions, so there was no proof she knew of it. She's also discounting Harman's objection as something other than "congressional oversight of detainee videotapes."

Ultimately, it all comes down to not giving a shit what Congress thinks, though, while carefully protecting herself against claims that they destroyed the tapes in response to Levin's actions, as opposed to the public reporting on

the torture program that also immediately preceded the tape destruction.