

CONGRESS AND THE TORTURE TAPES

First, let me start with some congratulations. For once, Jane Harman appears to have been on the right side of an issue, in this case warning the CIA (in writing) not to destroy the torture tapes. She's now demanding that Michael Hayden declassify that letter so we can all see it.

This matter must be promptly and fully investigated and I call for my letter of February 2003, which was never responded to and has been in the CIA's files ever since, to be declassified.

Congratulations Jane. Glad to have you on the side of light and goodness for the moment.

Harman's then-counterpart in the Senate (Harman is no longer in HPSCI, which is why she didn't learn of the tapes when HPSCI did), Jello Jay Rockefeller, appears to have followed the CIA's script they gave him—until he stopped to think or someone did so for him. On Thursday, as this news was coming out, Jello Jay released the following statement.

While we were provided with very limited information about the existence of the tapes, we were not consulted on their usage nor the decision to destroy the tapes. And, we did not learn until much later, November 2006 – 2 months after the full committee was briefed on the program – that the tapes had in fact been destroyed in 2005.

And then, yesterday he revealed that that story was **what the CIA had told him**, not what he knew or believed to be true or, more importantly, what the record proved.

Last night, the CIA informed me that it believes that the leadership of the Senate Intelligence Committee was told

of the decision to destroy the tapes in February 2003 but was not told of their actual destruction until a closed committee hearing held in November 2006.

The committee has located no record of either being informed of the 2003 CIA decision or being notified late last year of the tapes having being destroyed. A review of the November 2006 hearing transcript finds no mention of tapes being destroyed.

No wonder Jello Jay always touts the CIA party line—his first instinct is to read from the script they give him.

Meanwhile, Crazy Pete Hoekstra, current Ranking Member of HPSCI, sounds remarkably like Dick Durbin. Here's Durbin:

I urge you to investigate whether CIA officials who destroyed these videotapes and withheld information about their existence from official proceedings violated the law.

[snip]

The Executive Branch and the Congress need to decide how much they care about this question. If they want to get to the bottom of it, it's pretty easy for people to dig up the relevant records and answer the questions that either officials of the Executive Branch or the Congress could pose.

Please notify me whether you intend to investigate the CIA's destruction of detainee interrogation videotapes. Due to the gravity of this matter, I request that you respond as soon as possible, and in no case later than Wednesday, December 12.

And here's Crazy Pete Hoekstra, who is currently Ranking Member of HPSCI and was Chair when the

tapes were destroyed:

"I think the intelligence committee needs to get all over this," said Mr. Hoekstra, who has been a strong supporter of the C.I.A. detention and interrogation program. "This raises a red flag that needs to be looked at."

The stars are definitely aligned weirdly when Crazy Pete and Dick Durbin agree on something.

Crazy Pete and Silvestre Reyes are **also** apparently in agreement, and like Jello Jay, they're calling bull (though unlike Jello Jay, they didn't first read from the CIA script).

We are writing to seek a clarification from you on your unclassified statements concerning the destruction of videotapes made during detainee interrogations.

Specifically, your announcement to the CIA workforce, delivered on December 6, 2007, stated that "The leaders of our oversight committees in Congress were informed of the videos years ago and of the Agency's intention to dispose of the material. Our oversight committees also have been told that the videos were, in fact, destroyed."

The implication of this statement is that Congress was fully informed as to the practice of videotaping interrogations and notified "years ago" as to the destruction of the videotapes.

Based upon available records and our best recollection, this simply is not true.

This Committee was not informed of the decision to destroy these videotapes until earlier this year. The notification came in the form of an offhand comment you made in response to a question during a briefing on March 14, 2007. The destruction was briefly

mentioned again in a letter to one Member of this Committee dated April 19, 2007.

We do not consider this to be sufficient notification. Moreover, these brief mentions were certainly not contemporaneous with the decision to destroy the videotapes. [my emphasis]

I kind of like that: "We do not consider this to be sufficient notification." Uh huh.

So there you have the responses of all the Intelligence Committee past or present leadership involved, save two. There's Porter Goss, who was DCI when the tapes were destroyed. AFAIK, Goss has not issued any statement **himself**, neither reflecting whether he was warning in 2003 about the destruction of the tapes, nor whether he knew of their eventual destruction in 2005. Instead, he's got a bunch of people speaking for him.

As the chairman of the House Intelligence Committee in 2003, Porter J. Goss, then a Republican congressman from Florida, was among Congressional leaders who warned the C.I.A. against destroying the tapes, **the former intelligence officials said**. Mr. Goss became C.I.A. director in 2004 and was serving in the post when the tapes were destroyed, but was not informed in advance about Mr. Rodriguez's decision, **the former officials said**.

[snip]

At the time of the briefing in February 2003, the lawmakers who advised Mr. Muller not to destroy the tapes included both Mr. Goss and Representative Jane Harman of California, who was the top Democrat on the House Intelligence Committee. Ms. Harman described her role on Friday. **Mr. Goss's role was described by former intelligence officials**. [my

emphasis]

It strikes me that there aren't that many "former intelligence officials" who would have been present for both the initial Congressional briefing and within Porter Goss' inner circle at CIA when the tapes were destroyed. Granted, Goss brought a bunch of his loyal flunkys with him from Congress, but these former intelligence officials are really limited to Goss' flunkys and Goss himself. All of which makes me wonder whether Mazzetti's sources for the larger story aren't Goss' flunkys, which would really raise questions for me about their motivation. Almost as many questions as I've got about how Crazy Pete and Dick Durbin ended up on the same side of an issue. It's enough to make you really be cautious about the politics involved in this story.

So that about covers it right? Wait, what? You mean there's someone missing? You mean no one has mentioned Pat Roberts, still extraordinaire and the Chair of SSCI during the briefings about the tapes in 2003, when the tapes were destroyed in 2005, and when the CIA claims it told SSCI that the tapes had been destroyed. How can that be? He'd be one of the first people I'd talk to!

Pat Roberts, who incidentally is up for re-election next year, seems to have gone to ground, which may suggest he's not anxious to talk about his knowledge of the torture tapes.