

THE WAPO DID NOT SCOOP THIS STORY IN 2005



I'm still waiting for the media to start covering the news that a head of state—the head of **our** state—just admitted to approving torture. As of 9:30, only UPI has joined ABC and the WaPo in noting this story—which is about all they do, note it (though the foreign press is beginning to take note). For its part, ABC seems to have gotten bored with breaking the news that the President authorized his top aides to set up a torture regime—by 5PM yesterday they had removed the story from their Top Headlines (but worry not, you can still find the story of Sam, the dog that invited himself to his owner's funeral, among the Top Headlines).

While we're waiting for what I'm certain will be a barrage of stories covering the fact that the President thinks it's okay to torture so long as John Yoo says so, I thought I'd look at the WaPo's claim that they had already covered this story. I mean, I'm glad that the WaPo saw fit to cover the story—it even made it onto page A3; I should be glad it was not relegated to Lifestyles. But it's clear the WaPo is missing what's new with this story.

In its story, the WaPo claims it covered this in January 2005.

The Washington Post first reported in January 2005 that proposed CIA interrogation techniques were discussed at several White House meetings. A principal briefer at the meetings was John Yoo, who was then a senior Justice Department attorney and the author of a draft memo explaining the legal justification for the classified techniques the CIA sought to employ.

The Post reported that the attendees at one or more of these sessions included then-presidential counsel Alberto R. Gonzales, then-Attorney General John D. Ashcroft, then-Defense Department general counsel William J. Haynes II, then-National Security Council legal adviser John B. Bellinger III, CIA counsel John A. Rizzo, and David S. Addington, then-counsel to Cheney.

The Post reported that the methods discussed included open-handed slapping, the threat of live burial and waterboarding. The threat of live burial was rejected, according to an official familiar with the meetings.

State Department officials and military lawyers were intentionally excluded from these deliberations, officials said.

Gonzales and his staff had no reservations about the proposed interrogation methods and did not suggest major changes, two officials involved in the deliberations said.

A search on WaPo stories from January 2005 referencing Haynes, Rizzo, and Gonzales returns just one story, regarding Alberto Gonzales' involvement in setting up the torture regime (recall that Gonzales was up for Senate confirmation as AG in January 2005). The story does, in fact, reveal that the lawyers got together to discuss torture techniques in early 2002.

The memo was signed by Jay S. Bybee, then an assistant attorney general and now a federal appellate judge, but written with significant input from Yoo, whom Gonzales had tried to hire at the White House and later endorsed to head Justice's legal counsel office. During the drafting of the memo, Yoo briefed Gonzales several times on its contents.

He also briefed Ashcroft, Bellinger, Addington, Haynes and the CIA's acting general counsel, John A. Rizzo, several officials said.

At least one of the meetings during this period included a detailed description of the interrogation methods the CIA wanted to use, such as open-handed slapping, the threat of live burial and "waterboarding" – a procedure that involves strapping a detainee to a board, raising the feet above the head, wrapping the face and nose in a wet towel, and dripping water onto the head. Tested repeatedly on U.S. military personnel as part of interrogation resistance training, the technique proved to produce an unbearable sensation of drowning.

But these are a completely different set of meetings from the Principals meetings that ABC has been reporting on. Not only does this earlier story suggest all these discussions remained at the level of the lawyers—Gonzales, Bellinger, Addington, Haynes, and Rizzo, rather than Condi, Cheney, Rummy, and Tenet. But it reports that the military and State were left out of the briefings entirely. It even asserts that Condi and Michael Chertoff (who may have been involved in the Torture Memo) were excluded.

Cut out in the final decision making were military lawyers, the State Department and Chertoff, as well as Rice, her deputy, Stephen J. Hadley, and Rice's legal adviser, John Bellinger.

While we don't know whether Richard Myers was included in the Principals meetings described by ABC (I've got my suspicions), ABC, at least, insists that Powell was involved in those meetings, an assertion Powell doesn't deny.

ABC News' Diane Sawyer sat down with Powell this week for a previously scheduled interview and asked him about the ABC News report.

Powell said that he didn't have "sufficient memory recall" about the meetings and that he had participated in "many meetings on how to deal with detainees."

Powell said, "I'm not aware of anything that we discussed in any of those meetings that was not considered legal."

And ABC describes Condi as having chaired the meetings on torture, whereas the WaPo reports she was left out of the process entirely.

But the biggest difference between the two stories, of course, is the role ascribed to Bush. The earlier WaPo article alludes to how, through Gonzales, Bush got directly involved in the process of authorizing torture.

[Former Associate White House Counsel Helgi] Walker said she is aware of criticism that Gonzales "should have been saying 'I believe this or that' " about some of the provocative issues presented to him. "He did not see his job as being about him" but about advocating Bush's interests, she explained. "The judge is not consumed with his own importance, unlike some others in Washington."

[snip]

Gonzales, after reviewing a legal brief from the Justice Department's Office of Legal Counsel, advised Bush verbally on Jan. 18, 2002, that he had authority to exempt the detainees from [Geneva] protections. Bush agreed, reversing a decades-old policy aimed in part at ensuring equal treatment for U.S. military detainees around the world.

[snip]

In early February 2002, Gonzales reviewed the issue once more with Bush, who reaffirmed his initial decision regarding his legal authority but chose not to invoke it immediately for Taliban members.

Implicitly, the article suggests that the torture all went through—if not arose from—Bush. After all, if Gonzales pushes military tribunals through while "advocating Bush's interests," doesn't that mean Bush was the one pushing the military tribunals?

The article also reveals how callous Bush is in signing away our Constitutional guarantees.

After a final discussion with Cheney, Bush signed the order authorizing military tribunals on Nov. 13, 2001, while standing up, as he was on his way out of the White House to his Texas ranch for a meeting with Russian President Vladimir Putin.

Barbara apparently never taught Bush that it is considered good form to **sit down** before you sign away Habeas Corpus.

So the WaPo certainly lays out Bush's involvement in the push for torture. Yet, presumably because the article arose in anticipation of Gonzales' confirmation hearings, it portrays Gonzales as being the central figure in the process. Also, the WaPo seems to be obsessed with the bureaucratic in-fighting behind the torture regime (which presumably betrays the motivations of its sources), and so presents the outcome as the result of competing influences, rather than the decisive role of Bush. The WaPo never voices the underlying truth: George Bush instituted a system of torture in the United States.

To be fair, I don't know why journalists won't

voice that truth now. Perhaps it's because they've **known** it—without saying it—for so long now, it feels stale. Perhaps it's because they consider Bush a half-wit who therefore shouldn't be held responsible for the things done in his name. Perhaps it's out of some twisted attempt to protect the dignity of the office that Bush has already soiled, a belief that describing Bush's centrality in the process will somehow taint the Presidency.

What the media seems to be missing, though, is the drama of a man who created a monstrous system, getting up and admitting (albeit in language designed to shield him from legal responsibility) that he did, indeed, deliberately create that monstrous system.

The traditional media has—laudably—spent the last six years painstakingly tracing the outlines of Bush's regime of torture. That it took such efforts to do so is a testament to the understanding—both within the Administration and within polite society—that the torture regime was not to be spoken of openly. But here we are, after years of speaking of the torture regime in hushed tones and using primarily anonymous sources, with the President of the United States admitting it openly, casually. Sure, he hasn't yet uttered the word torture. But the President himself has chosen to break the prohibition on admitting to the regime of torture. And, apparently, the press would prefer to carry on as if that prohibition remained.