

SSCI TORTURE NARRATIVE

The SSCI just released a narrative—originally requested by Jello Jay—of the general history of torture under the Bush Administration, including, purportedly, all the OLC memos that support torture (though it doesn't include the 2003 one Michael Hayden referenced the other day).

I'll have a few more details in a bit. But this document reads to me like a mutual CYA for Gang of Eight members and the (former) Administration on torture. It is most interesting for the list of briefings it has.

In addition, the SSCI narrative confirms Spencer's report that there's an unreleased 2007 memo. Great work, Spencer!

One thing this narrative makes clear is that the July 10, 2002 intelligence from Abu Zubaydah came before the interrogation plan for Abu Zubaydah was done.

On July 13, 2002, according to CIA records, attorneys from the CIA's Office of General Counsel met with the Legal Adviser to the National Security Council, a Deputy Assistant Attorney General from OLC, the head of the Criminal Division of the Department of Justice, the chief of staff to the Director of the Federal Bureau of Investigation, and the Counsel to the President to provide an overview of the proposed interrogation plan for Abu Zubaydah.

On July 17, 2002, according to CIA records, the Director of Central Intelligence (DCI) met with the National Security Adviser, who advised that the CIA could proceed with its proposed interrogation of Abu Zubaydah. This advice, which authorized CIA to proceed

as a policy matter, was subject to a determination of legality by OLC.

Not that that means they weren't already torturing him. But this confirms my earlier assertion that Abu Zubaydah's information on running terrorist training camps either came before they tortured him, or without any legal authorization whatsoever.

I'll update with some comments. But for now, consider this a working thread.

Update: So here are the briefings on torture this document lists:

April 2002: Rizzo begins conversations with Bellinger and Yoo/Bybee on proposed interrogation plan for Abu Zubaydah. Bellinger briefed Condi, Hadley, and Gonzales, as well as Ashcroft and Chertoff.

Mid-May 2002: Rizzo met with Ashcroft, Condi, Hadley, Bellinger, and Gonzales to discuss alternative interrogation methods, including waterboarding.

July 13, 2002: Rizzo met with Bellinger, Yoo, Chertoff, Daniel Levin, and Gonzales for overview of interrogation plan.

July 17, 2002: Tenet met with Condi, who advised CIA could proceed with torture, subject to a determination of legality by OLC.

July 24, 2002: Bybee advised CIA that Ashcroft concluded proposed techniques were legal.

July 26, 2002: Bybee tells CIA waterboarding is legal.

August 1, 2002: Bybee Memos.

Fall 2002: CIA briefed Bob Graham and Richard Shelby on torture.

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

After March 2003: Robers and Jello Jay briefed on torture.

July 2003: Tenet and Muller meet with Cheney, Condi, Ashcroft, Acting head of OLC?, Yoo, Gonzales, and Bellinger to discuss torture. Principals reaffirmed that program was lawful.

September 16, 2003: Colin Powell and Rummy briefed on torture.

May 7, 2004: CIA IG report comes out.

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

June 2004: Roberts, Jello Jay, and staff directors get copies of CIA IG report.

June 2004: OLC withdraws unclassified Bybee Memo.

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

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

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

July 22, 2004: Ashcroft confirms to Acting DCI (McLaughlin?) that all techniques except waterboarding legal under CAT.

August 6, 2004: Daniel Levin advises that subject to reservations, CIA's use of waterboarding not illegal.

December 30, 2004: Daniel Levin opinion on torture, with footnote.

March 2005: CIA briefs Roberts and Jello Jay on torture.

May 2005: Bradbury opinions.

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

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

December 30, 2005: Detainee Treatment Act. (No reference to Bush's signing statement.)

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

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

September 6, 2006: Bush admits we torture. CIA briefs all SSCI members about CIA's torture program.

October 2006: Congress passes Military Commissions Act. [Jeebus our Congress is craven.]

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.

January 30, 2008: Mukasey states waterboarding not used.

February 2008: Michael Hayden discloses waterboarding used on 3 detainees. Michael McConnell states waterboarding not used. SSCI discusses torture program with Hayden and McConnell in closed session.

January 22, 2009: Obama signs EO 13491

which revokes EO 13440 and all OLC
opinions issued by DOJ between September
11, 2001 and January 20, 2009.