

BREAKING NEWS!! CIA MANIPULATING BRIEFING PROCESS!!

No. Not really breaking. We knew that CIA was playing around with its obligation to inform the intelligence committees before it starts any big new projects—like opening torture factories around the world.

But that's the real story of this briefing list—aside from what a bunch of right wingers are claiming it says, the actual details of the briefing list notwithstanding. The real story is that the CIA was playing a bunch of games to be able to claim it had informed Congress, even while only informing some of Congress some things.

First, CIA has officially confirmed what I have been saying for weeks. The CIA first briefed Congress on torture on September 4, 2002, 35 days after CIA purportedly began waterboarding and much longer after we know CIA started torturing Abu Zubaydah. Moreover, we have on the record statements from Pelosi and Goss (and I've had even stronger assurances elsewhere) that CIA did not tell Congress they were **already** in the business of torture. Their discussions of torture were all prospective, and they may even have stated clearly that they had not used these techniques yet, which (if true) would be a clear and direct lie to Congress.

Second, look at when—according to the CIA's specific assertions—they first talked about waterboarding to members of Congress:

February 4, 2003: Pat Roberts and a Republican and a Democratic staffer (but not Jello Jay); according to the CIA there was no specific mention of waterboarding in the February 5, 2003 briefing for Porter Goss and Jane Harman

July 13, 2004: Porter Goss and Jane

Harman

July 15, 2004: Pat Roberts and Jello Jay

Now, it's possible that the people trying to smear Pelosi with this are correct and CIA mentioned waterboarding in September 2002. But that's not what the CIA says. Once you account for the fact that Jello Jay did not attend the February 4 briefing, the CIA says it first informed Democrats about waterboarding in July 2004, only after the CIA's own Inspector General had declared the program cruel and inhuman (and note, the Senate intelligence leaders, at least, got a copy of that document in June 2004, so the CIA couldn't very well pretend that they hadn't been waterboarding).

Note, too, that the CIA claims to have discussed legal issues in the July briefing with Harman and Goss, but not in the July briefing with Jello Jay and Roberts. We know this to be false.

In July 2004, the CIA briefed the Chairman and Vice Chairman of the Committee on the facts and conclusions of the Inspector General special review. The CIA indicated at that time that it was seeking OLC's legal analysis on whether the program was consistent with the substantive provisions of Article 16 of the Convention Against Torture.

Given the way the SSCI narrative focuses on the constitutional amendments named under CAT (the 5th, 8th, and 14th), I suspect CIA was informed in no uncertain terms they would have to account for these in the briefing. If they did not record the fact, it suggests they were trying to claim deniability for that key issue (though that is speculative on my part).

The CIA seems to have no memory of the details of the 2005 briefings (and, as WO has pointed out, seems to have been unsure who was HPSCI

Chair and who was DCIA, since it claims that Porter Goss, then head of CIA, attended a March 8, 2004 2005 [ed—fixed late, sorry] hearing as HPSCI Chair). That's rather curious as Mary McCarthy has alleged that the CIA briefers in two hearings in 2005 lied to Congress. At least one of these briefings would have also featured the Senators asking why they fuck OLC ignored the 8th Amendment (and the CAT generally) in its December 2004 opinion. It includes briefings when Jello Jay was beginning to ask for more details on the torture program, to no avail. And, finally, it includes briefings when Congress should have been briefed about the destroyed torture tapes, but wasn't. All of that? The CIA seems to have little memory of it.

Then there's the slew of Republican-only briefings in 2005, just after the Senate approved the McCain Amendment limiting torture use. As I've explained the most suspicious of those is the briefing of the two pro-torture Republicans holding DOD's purse strings.

Until, finally, in 2006, it finally gets around to briefing the full intelligence committees but not yet the full Gang of Eight, leaving off the House leadership, including Nancy Pelosi. Anyone wonder why Jane Harman got her very own briefing on September 6, 2006, the day Bush finally came clean as a tortuer? I do.

In short, in spite of what Republicans tell you (and therefore ABC prints), this is actually an utter damning chronology of CIA contempt for their obligations to inform Congress (particularly Democrats in Congress).