

WHY DID TENET CREATE A FALSE RECORD ON THE DAY AFTER HE “QUIT”?

William Ockham made another really important discovery:

I'd like to point to a document that was released a year ago (5/27/2008) as part of the ACLU's ongoing torture FOIA. It's a heavily redacted memo dated June 4, 2004 from George Tenet to the National Security Advisor (Rice). By June 2004, Tenet is on his way out as CIA director, the Abu Ghraib scandal has hit with full force, the CIA IG's report has just been finished (but not yet briefed to Congress) and the 2004 Presidential campaign is in full swing. The CIA prison system was mostly still secret, but they had just released Khaled el-Masri in May 2004. The story of the ghost detainees in Iraq was just about to break.

With that as the background, here's the parts of the second page of the memo that aren't redacted (all the rest except the date, sender, and addressee are redacted:

3. As you know, beginning in September 2002, the Justice Department authorized CIA in its discretion, to employ on selected HVDs [Redaction ~3 lines] waterboard, [Redaction ~2 lines] CIA has reserved use of these [Redaction] techniques to elicit ongoing threat information from the most hardcore, senior terrorist figures that have been captured—

men such as Khalid Sheik Muhammad, Abu Zubaydeh, [Redaction ~ 7 lines] key members of Congress have been briefed from the beginning—CIA informed the leadership of the Congressional Intelligence Committees of the existence and nature of the Program when it commenced in late 2002, in early 2003 when members of the leadership changed, and again in September 2003.

Rice and Tenet both knew that most of that was not true. They knew the program commenced long before September 2002, that the DOJ memos (which were not authorizations) came in August, that the Congressional briefings were after the fact and completely inadequate from a statutory perspective. What is this memo other than an attempt to create an after-the-fact coverup?

I'd add two details to those WO offers. The document appears not just after Tenet was on his way out, but the day after Bush announced his resignation. And it happened around the time Tenet asked for written endorsement from Bush of the torture program.

The Bush administration issued a pair of secret memos to the CIA in 2003 and 2004 that explicitly endorsed the agency's use of interrogation techniques such as waterboarding against al-Qaeda suspects — documents prompted by worries among intelligence officials about a possible backlash if details of the program became public.

[snip]

The memos were the first — and, for years, the only — tangible expressions

of the administration's consent for the CIA's use of harsh measures to extract information from captured al-Qaeda leaders, the sources said.

[snip]

The second request from Tenet, in June 2004, reflected growing worries among agency officials who had just witnessed the public outcry over the Abu Ghraib scandal. Officials who held senior posts at the time also spoke of deteriorating relations between the CIA and the White House over the war in Iraq – a rift that prompted some to believe that the agency needed even more explicit proof of the administration's support.

[snip]

By the spring of 2004, the concerns among agency officials had multiplied, in part because of shifting views among administration lawyers about what acts might constitute torture, leading Tenet to ask a second time for written confirmation from the White House. This time the reaction was far more reserved, recalled two former intelligence officials.

Now, take a look at the document itself (PDF). See how long the redaction is after the number "3"? The redaction appears to be the paragraph's classification mark, and the length suggests it has a pretty specific classification beyond the Top Secret.

If that's right, then it may well be a CYA document (as WO suggests), but not one targeted toward anyone public, such as Congress.

So, in addition to the good question that WO asks, I've got two more. What do you bet the chances are that the document WO found is Tenet's request for that second written endorsement of torture from Bush? And if so,

were Condi and Tenet building in plausible deniability of the illegalities regarding timing for Bush?