

TENET: “NO PAPERS, NO OPINIONS, NO PROGRAM”

The WaPo has a very detailed story out about the 2004 IG Report. Most interesting, to me, is the suggestion that Tenet’s resignation on June 3, 2004 came amidst his refusal to continue the torture program without written authorization from the White House.

After the report was issued, then-CIA director George J. Tenet demanded that the Justice Department and the White House reaffirm their support for the agency’s harsh interrogation methods, even when used in combination, telling others at the time that "no papers, no opinions, no program." At a White House meeting in mid-2004, he resisted pressures to reinstate the program immediately, before receiving new legal authorization, according to a source familiar with the episode.

The Justice Department subsequently sent interim supporting opinions to the CIA, allowing its resumption after Tenet’s departure, and went on to complete three lengthy reports in 2005 that affirmed in detail the legality of the interrogation techniques with some new safeguards that the CIA had begun to implement in 2003.

And the story also explains—to a degree—why we got the three opinions we got in May 2005. The judgment of the report that the program was "degrading" was tied to the nudity involved.

The report also expressed particular concern that questioners had violated a legal prohibition against "degrading" conduct by stripping detainees, sometimes in the presence of women, according to a source who has read it.

Which partly explains why the Techniques memo includes nudity—after the CIA had used it for three years.

And the story ties the Combined memo to the combination of stress positions and sleep deprivation—which we know had already been found to be the cause of death in some detainees.

The report further questioned the legality of using different combinations of techniques – for example, sleep deprivation combined with forced nudity and painful stress positions, according to sources familiar with the document. While Justice Department lawyers had determined in August 2002 that the individual techniques did not constitute torture, the report warned that using several techniques at once could have a far greater psychological impact, according to officials familiar with the document.

"The argument was that combining the techniques amounted to torture," said a former agency official who read the report. "In essence, [Helgerson] was arguing in 2004 that there were clear violations of international laws and domestic laws."

What was it Jonathan Fredman had said—if the detainee dies it's torture? No, wait, he said "if the detainee dies, you're doing it wrong."

In any case, that still doesn't explain why Steven Bradbury got a last minute fax preparing him to include waterboarding in the Combined memo.