

JPRA'S ADVICE HAS GONE MISSING

As I noted earlier, ACLU got a new Vaughn Index today, covering the OLC documents pertaining to CIA's torture program.

But what ACLU really got is a long admission from Acting OLC head David Barron that OLC has lost ten or more of the documents included on a Vaughn Index provided in 2007.

And one of those documents—apparently referred to as Document 6 in both Vaughn Indices—is one of the packets of information JPRA provided to Jim Haynes and from there to OLC as back-up to the Bybee Two Memo (though note, given the date of July 25, this does not appear to be the document compiled urgently that described waterboarding).

The 2007 Index refers to the document as a 46-page document, dated July 25, 2002, providing legal advice. Yesterday's Index refers to the document as a 59-page document, from and to the DOD, dated July 25, 2002, providing legal advice.

The page discrepancy, by itself is interesting (that is, if they don't have the document, then how do they know that the original index listed the page numbers wrong?).

And then there's the fact that this document is missing. Some of these documents discussed SERE techniques as torture. In the SASC report, both Jim Haynes and John Rizzo were very squirmy about discussing how DOD advice to OLC for CIA's torture memos; if we had the document itself, we might be able to explain that definitively. And then there's the possibility that someone took notes on this document.

But, if my reading of the two Vaughn Indices is correct, we can't answer those questions. Because somehow, one of the key documents in the generation of the torture memos has just

disappeared from a SCIF facility.