

DOES CHENEY'S CYA DOCUMENT INCLUDE FALSE JUSTIFICATIONS FOR TORTURE?

As MadDog noted, Judicial Watch has succeeded in getting two more copies of Cheney's CYA document liberated. There now are three versions of this same document:

- June 1, 2005 (the date suggests this is the version Cheney requested from the Archives)
- June 3, 2005 (this was the document released in August's document dump)
- July 12, 2005 (this is the second Judicial Watch document)

Judicial Watch explains this as the one notable difference:

Notably, the June 1, 2005 report concludes that "Detainee reporting accounts for more than half of all HUMINT reporting on al-Qa'ida since the program began..." This fact is missing from the other two later reports.

That's not entirely correct. Page 13 of the June 3 version has a graphic (also included in the June 1 version, but not the July 12 one) showing just that—that 3,800 of 6,600 reports came from detainees [all page references in this post are to PDF pages]. But there are other differences—differences which may suggest the June 1 version was targeted towards keeping the CIA torture program intact.

Other noticeable differences include:

- The June 1 version is classified Top Secret; the others are Secret.
- The June 1 version has three redacted paragraphs (page 3), and states, “Detainees typically are uncooperative early in their detention and often pass incomplete or intentionally misleading information” instead of “Detainees have been known to pass incomplete or intentionally misleading information.”
- The June 1 version includes what appears to be a turf war comment (page 5) reading:

This paper focuses primarily on reporting from al-Qa’ida detainees held in CIA custody. [several lines redacted] we control the questions being asked and can pursue gaps and inconsistencies in reporting promptly.

- The June 1 report either lacks—or entirely redacts—the passage on Ghailani that appears on page 10 of the June 3 report. (The June 3 report appears to have further redactions here, too.)
- The June 1 version includes more detail about using detainee reports to explain

other reporting, as on page 13:

Detainee reporting has allowed us to confirm reporting from [redacted] other sources, and to make sense of fragmentary information, such as that from [one line, plus one long paragraph redacted]

- The June 1 passage on “Challenges of Detainee Reporting” (14) reads,

Detainees, by virtue of their circumstances, have an adversarial relationship with their debriefers and typically are uncooperative early in their detention. If they decide to answer questions at the beginning, they usually pass incomplete or intentionally misleading information...

- The June 3 version (11) reads,

Detainees, by virtue of their circumstances, have an adversarial relationship with their debriefers; they often try [sic] pass incomplete or intentionally misleading information...

- On that same page (14) the June 1 version also notes,

When detainees provide useful information, it is often difficult to determine the detainee’s motivation for responding to the debriefer’s questions.

- The June 1 version appears to have an Appendix A the June 3 version lacks (note

the graphic in both is labeled Appendix B).

The differences suggest certain things. First, the turf war comment suggests the audience for the June 1 document was CIA and those favorable to keeping the torture program at CIA. The CIA appears to be giving a reason to keep detainees in CIA custody (which is laughable, since the 9/11 Commission found that even when they gave CIA questions to ask, they were incompetent to ask them). The reference to illuminating other reports may refer to electronic intercepts—and, like the earlier detail, may suggest the report was targeted towards CIA people; FBI people with more al Qaeda expertise, for example, might not have needed the detainee reports. Remember that CIA's IG report—published a year earlier—found that CIA's lack of analytical knowledge on al Qaeda often meant detainees would be tortured more because they didn't give the CIA what they, because of their relative ignorance, expected.

The focus in the June 1 document on detainee's comments just after detention, as well as the comment about not knowing the detainee's motivation, may well serve as a way to explain away FBI's success at getting information from detainees before torture and/or to justify torture. That is, if detainees immediately hand over information, then CIA has to argue it's suspect, or their entire justification for using torture falls apart. And they have to suggest that if the detainee does turn over information that turns out to be accurate, the motivations are unknowable (and therefore not attributable to the FBI's interrogation methods).

These are, obviously, wildarsed guesses. But the June 1 document—the one Cheney initially requested—seems to be targeted to those not only read into the torture program, but predisposed to keeping the torture program, and keeping CIA in charge of it.