

(b)(6)

USTRANSCOM CS

From: Schwartz, Norton Gen USTRANSCOM CC
Sent: Friday, February 17, 2006 7:15 AM
To: (b)(6) POLAD USTRANSCOM CC
Cc: Selva, Paul Brig Gen USTRANSCOM J3; Dail, Robert LTG USTRANSCOM DC; Cooper, Anthony CAPT USTRANSCOM PA; (b)(6) USTRANSCOM J3; (b)(6)
Subject: RE: Guantanamo Gets Worse
Attachments: clip_image002.gif; clip_image003.gif



clip_image002.gif (28 KB) clip_image003.gif (1 KB)

Got it, (b)(6) Thank you. ns.

CONFIDENTIALITY NOTICE: This electronic transmission may contain information protected from disclosure under the Freedom of Information Act, 5 USC 552. Do not release outside DOD channels without prior authorization from the sender.

-----Original Message-----

From: (b)(6) POLAD USTRANSCOM CC
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Subject: Guantanamo Gets Worse

Sir:

We may need to definitely think about checking with Southcom to see if we can hold off on return flights for 45 days or so until things die down. Otherwise we are likely to have hero's welcomes awaiting the detainees when they arrive, and we will have problems getting overflight and landing clearance for the flights anyway. It would probably be preferable if we could deliver these detainees in something smaller and more discreet than a T tail.

-----Original Message-----

From: Rapid-Response [mailto:Rapid-Response@state.gov]
Sent: Friday, February 17, 2006 6:45 AM
Subject: Rapid Response 02-17

Hot Issues

US Getting Creamed on Human Rights: Coverage of UN Rapporteurs' report on Guantanamo, plus lingering interest in Abu Ghraib photos, adds up to the US taking a big hit on the issues of human rights and respect for the rule of law.

The UN Gitmo Report is a lead story worldwide. Coverage juxtaposes calls by UNSYG Annan, human rights representatives, and EU officials to close the base with statements by Secretary Rumsfeld, State Legal Advisor Bellinger and White House Spokesman Scott McClellan rejecting the criticism. Al-Jazeera Washington correspondent Muhammad al-Alami said, "Washington has lost a lot of its credibility and its moral authority in the field of human rights."

In Europe, criticism continues to be harsh. Hungarian press notes that good intentions are not enough: the US cannot deprive people of their rights "in the name of some future democracy." Spanish press editorializes that "the US continues to try to come up with a shameful re-definition of the concept of torture. It's unthinkable that anti-Americanism in and outside of the Arab world will diminish." The Independent quotes a British high court judge on Guantanamo: "America's idea of what is torture is not the same as ours and does not appear to coincide with that of most civilised nations."

Message:

ü We profoundly disagree with the report for its selective inclusion of only those factual assertions needed to support the Rapporteurs' initial conclusions, avoiding facts that would undermine those conclusions.

ü With respect to detainees, the United States government complies with its Constitution, its laws and its treaty obligations.

ü The law of armed conflict applies to the conflict with Al Qaida and related detainee operations, and governs operations at Guantanamo.

ü Although members of Al Qaida and their supporters are engaged in armed conflict against us, they do not represent any state or government, nor do they adhere to the rules of war.

ü "I can tell you categorically that any maltreatment of any detainees by US forces or coalition forces is totally unacceptable. Our orders have and will continue to be that we will treat everyone in our charge humanely and with respect." (General Pace, Chairman of the Joint Chiefs of Staff)

ü Where there have been cases of unlawful treatment of detainees, the US has vigorously investigated, prosecuted and punished those responsible.

How We're Playing

Online blogs and discussion boards about GITMO:

* America has lost its prestige: Every year the world waits for the annual US State Department report on human rights. Today, it is America that awaits the world's opinion of its human rights policy. From Gitmo, to Abu Ghraib, to secret prisons in Europe, the world accuses America of not respecting human rights. (Yemen)

o Amazing! Why is everyone a terrorist or liar except the US?! The US preaches on democracy like a whore preaches on abstinence. (Lebanon)

o Terrorist: Those retarded terrorists deserve to die and not just be imprisoned. They are the dumpster of humanity. (Arab)

o Which is better, the American or Arab Government Jails? If the American

Government releases them, then how do you think they will be treated in the Arab countries? (Arab)

o There is thus a contemptuous and contemptible arrogance: the US is above ordinary laws and bodies such as the UN and considers it hardly worth a response. Blind and deaf. (UK)

o The US cannot have it both ways. If they want to be the world's moral police they must adhere to the highest standards. (Spain)

o If the UN doesn't close down Guantanamo Bay after these latest release of abuse pictures it will lose all its credibility. America can no longer boast any form of human rights record. (Australia)

o I can already guess what the American readers will say, "Big deal, Saddam would have done much worse." (Europe)

o Democracy told by Bush and Blair are just the sugar coating. After all, it is now sure that US and UK troops on foreign lands are the same as Saddam or Robert Mugabe's troops. (South Africa)

teselupj.rsc

(b)(6)

USTRANSCOM CS

From: Schwartz, Norton Gen USTRANSCOM CC
 Sent: Friday, July 28, 2006 11:38 AM
 To: Cooper, Anthony CAPT USTRANSCOM PA
 Cc: Dail, Robert LTG USTRANSCOM DC; Johnson, William MG USTRANSCOM CS; Selva, Paul Brig Gen USTRANSCOM J3; Basla, Michael Brig Gen USTRANSCOM J6; (b)(6) USTRANSCOM CC; Rice, Frederick LTC USTRANSCOM PA; Mirabella, Cliff MAJ USTRANSCOM PA; (b)(6) USTRANSCOM CC; (b)(6) USTRANSCOM CC; Harnitchek, Mark RDML USTRANSCOM J5
 Subject: RE: Articles: Pentagon says no violations in Israel arms shipments; McChord pilot recalls helping evacuees

Thanks, Coop. ns.

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-----Original Message-----

From: Cooper, Anthony CAPT USTRANSCOM PA
 Sent: Friday, July 28, 2006 8:16 AM
 To: Schwartz, Norton Gen USTRANSCOM CC
 Cc: Dail, Robert LTG USTRANSCOM DC; Johnson, William MG USTRANSCOM CS; Selva, Paul Brig Gen USTRANSCOM J3; Basla, Michael Brig Gen USTRANSCOM J6; (b)(6) USTRANSCOM CC; Rice, Frederick LTC USTRANSCOM PA; Mirabella, Cliff MAJ USTRANSCOM PA; (b)(6) USTRANSCOM CC; (b)(6) USTRANSCOM CC; Harnitchek, Mark RDML USTRANSCOM J5
 Subject: Articles: Pentagon says no violations in Israel arms shipments; McChord pilot recalls helping evacuees

Sir:

Four news items of interest follow:

First three report on recent Israeli shipment thru Scotland.

Aerospace Daily & Defense Report article says a Pentagon review of recent arms shipments by the U.S. to Israel found 'no policy or procedural violations.' "We're complying with all bilateral agreements," Pentagon spokesman Bryan Whitman is reported as saying.

London Times article says Britain 'will allow more American aircraft carrying arms to Israel to stop over in Britain despite private concerns that the Pentagon was "playing fast and loose" with earlier shipments. "That (the flights) will be allowed to continue. It is a right we have always granted," a British government official is quoting as saying.

London Daily Telegraph article says 'as the controversy (in Britain) over such weapons deliveries from the United States to Israel grows, America may decide to make future deliveries through its military base in Qatar, its command centre for the Iraq war.'

Final item is a Tacoma News Tribune article about a McChord-based pilot's recent experiences flying Americans who were fleeing Lebanon. "This really was a once-in-a-lifetime experience for me," Capt. Chris Mazzei is quoted as saying. "This is some of the most rewarding flying you can do." In two separate missions, Mazzei and other airman flew

about 200 evacuees in C-17 aircraft from Larnaca, Cyprus, to Ramstein Air Base in Germany, the report says.

WRT to the Israeli arms issue, we have been working closely with Gen Selva on that issue. OASD(PA) is taking the media calls on it and I received the RTQ they developed to respond to queries. RTQ follows:

QUESTION: Is the U.S. selling arms to Israel? Why?

ANSWER: We fully support Israel's right to defend itself. We have a long-standing defense relationship with Israel, as well as many other nations in the region.

While particular transfers of defense hardware to Israel have been highlighted in the media recently, it is also noteworthy to point out that the USG has recently authorized transfers to several nations in the region.

These are not indiscriminate arms transfers - they are strictly regulated and are done in the interest of peace and broader international security. These sales help peaceful nations meet their legitimate needs of self defense.

We do not release sensitive information on Foreign Military Sales. Under 10 U.S.C. Section 130c the U.S. Government does not release sensitive information on Foreign Military Sales activities. Sensitive information includes FMS sales and delivery data that may reveal information about the order of battle of a friendly nation.

QUESTION: Did the U.S. transport weapons through Scotland? Were proper procedures followed?

ANSWER: It is our policy that US military flights and those contracted on our behalf comply with existing bilateral agreements and standard aviation practices. We have gone back and reviewed our operations and have found there have been no recent deviations from those procedures.

For operational security reasons, we do not publicly discuss the specific nature or schedules of US military or contracted flights.

QUESTION: UK Foreign Secretary Margaret Beckett is threatening to file a formal complaint against the US for using an airport near Glasgow to transport bombs to Lebanon. The gist of the complaint is that it is a violation of international agreements regarding transportation of dangerous weapons through Britain. DoD response?

ANSWER: It is our policy that US military flights and those on our behalf comply with existing bilateral agreements and standard aviation practices. We have gone back and checked; there have been no recent deviations from those procedures.

Aerospace Daily & Defense Report
Pentagon Review Shows No Violations In Israel Arms Shipments

The Defense Department reviewed its recent shipments of arms to Israel and found no policy or procedural violations, Pentagon spokesman Bryan Whitman said July 27.

The review was conducted because of recent allegations that the United States had violated bilateral agreements with other countries by hastening shipments of bombs or other military equipment to Israel because of the recent conflict between Israel and Hezbollah in Lebanon.

"We're complying with all bilateral agreements," Whitman said. "We found no deviations."

London Times
Britain Lets More US Arms Flights Land In Scotland

The Government will allow more American aircraft carrying arms to Israel to stop over in Britain despite private concerns that the Pentagon was "playing fast and loose".

The US has asked the Government to let two aircraft with missiles and bombs on board stop at Prestwick in the next fortnight. However, Labour MPs are furious with the US for breaking the rules governing the use of British airports as staging posts when demands on Israel for a ceasefire in Lebanon are growing stronger.

The Times has been told that two aircraft that landed at Prestwick last weekend carrying "bunker-busting" bombs had been designated as civilian flights and that the US failed to notify authorities in advance of their hazardous cargoes, as the rules demand.

The GBU28 bombs contain 630lbs (285kg) of high explosives and were developed by the US for use in the first Gulf War. The first foreign sale of the GBU28 was the acquisition of 100 units by Israel, authorised in April last year.

The munitions are part of a multimillion-dollar arms sale approved by the US that Israel is able to draw at will. Last week Israel asked the US to deliver satellite and laser-guided bombs. This was described as unusual by some military officers, and as an indication that Israel still had a long list of targets to strike in Lebanon.

Margaret Beckett, the Foreign Secretary, has complained to the White House about the issue and No 10 said yesterday that she had every right to be angry.

But, in an attempt to play down the row before today's Washington summit on Lebanon between Tony Blair and President Bush, Britain is making plain that the dispute is about procedures and not the principle of allowing the aircraft to stop over.

"That will be allowed to continue. It is a right we have always granted," a senior government official said. Both the Foreign and Commonwealth Office and Downing Street suggested that two more requests by America to send planes carrying missiles as well as components over the next fortnight will go through.

It is thought Mr Blair will not raise the issue because the White House is seemingly aware of British feelings. However, he is unlikely to be able to avoid it at his later press conference.

Mr Blair, under renewed and persistent attack at home for backing the US's refusal to call for an immediate ceasefire in Lebanon, is expected to ask all sides — including the US — to show more urgency in creating the conditions for a ceasefire.

The Prime Minister will today tell Mr Bush that work should begin on the international force that will act as a buffer between Israel and Lebanon. He believes that once this is done the time will be right to press Israel and Hezbollah into a ceasefire.

The tone of his words may be the first sign of tension between the two leaders over Lebanon, but diplomatic circles are increasingly worried that the Israeli onslaught will fail and that the ceasefire must come soon.

British sources have told The Times that the US flouted the rules by failing to notify the Civil Aviation Authority of the aircrafts' contents in advance. Civilian flights carrying hazardous substances have to be notified to the authority.

Military flights carrying such substances have to inform the Ministry of Defence and, under some circumstances, the Foreign Office. The two flights last weekend were designated by the Pentagon as civilian cargo flights, and thus notifiable to the CAA and not the Ministry of Defence. However, the Government learnt about the cargo in this week, possibly through intelligence sources.

The sources who spoke to The Times assumed that the aircraft had been designated as civilian because they were available at the time and the bombs needed to be transported to Israel as soon as possible. Ironically, had the authorities been told — either the CAA or the Ministry — approval would have been given.

In their efforts to dampen the row, government departments insisted yesterday that the US would still be allowed to land such sensitive cargoes at British airports but that the

Pentagon had been told in no uncertain terms that the rules must be followed.

A senior official said: "They have been playing fast and loose. We will haul them up. The procedures are there for a reason. There is an obligation on them to comply and they did not."

An investigation by the CAA into the apparent breaches may conclude today.

The revelations prompted fresh disquiet among Labour MPs. David Hamilton, vice-chairman of the Scottish group of Labour MPs, said that if the reports of missiles passing through Prestwick were confirmed, it would be an outrage.

He called on Mr Blair to make clear to the White House that it should not use Britain as "a bargaining chip". Michael Moore, the Liberal Democrat foreign affairs spokesman, has written to Mrs Beckett calling for an investigation.

Sources at Prestwick told The Times yesterday that the number of freighter aircraft such as 747s and civil Hercules C130s landing there had become "absolutely unreal".

One aviation official said: "We get two or three a day. The US Government uses civil chartered aircraft a lot now and these aircraft can carry anything . . . military supplies or anything."

Sources at the airport have indicated that the Prestwick stopovers for the bomb cargo flights to Israel happened last weekend but did not know precisely when. Neither did they know what type of aircraft carried the 5,000lb laser-guided bombs.

One report has suggested that Airbus A310s were used but local plane spotters' lists for last weekend show no record of such an aircraft at Prestwick.

The controversy comes after revelations that Prestwick played frequent host to CIA flights transferring al-Qaeda suspects to secret prisons.

"Whoever is organising this, it's way above the heads of people here," an airport official said.

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London Daily Telegraph US Provides Israel With £9bn Array Of High-Tech Weapons

Israel's warning of a dramatic new bombing campaign will raise fresh questions over the arming and supplying of a military whose tactics have already been widely criticised as "disproportionate".

Britain has been drawn into the controversy after Prestwick airport, near Glasgow, was used as a stop-over point for the delivery of American-built precision guided missiles to Israel.

America supplies the vast majority of equipment to Israel's army. A new report by the Arms Trade Resource Centre, in New York, says that American-built weaponry in Israel's arsenal includes 236 F16 and 89 F15 combat aircraft of the type that is leading the bombardment of Lebanon.

The US has also supplied 136 attack helicopters, including 40 of the Apaches used in "targeted assassinations" of militants in the Palestinian territories. Those helicopters are providing air support for troops fighting street to street in Lebanon. Three have crashed in 10 days, two in a mid-air collision and one in what Israel said was a power line accident. Hizbollah claimed to have shot it down.

Despite an American law preventing arms sales other than for "self-defence and internal security", the US has also supplied an unknown number of Hellfire, Walleys and Maverick air-to-ground missiles, as well as air-to-air Sparrows and Sidewinders. The arms centre report says that Israel has received more than £9.4 billion worth of military aid and equipment since President George W Bush was elected in 2001. But despite its huge arsenal, Israel has urgently requested fresh supplies, in particular powerful bunker-busting bombs, as it strives to kill Hizbollah leaders sheltering underground.

As the controversy over such deliveries grows, America may decide to make future deliveries through its military base in Qatar, its command centre for the Iraq war.

The rush to re-supply Israel is in marked contrast to the US attitude during Israel's last Lebanese incursion in the early 1980s. Then, the Reagan administration cut aid and froze weapons sales while it decided whether the weapons were being used for self-defence. The aid was restarted after Alexander Haig, the secretary of state, said "you could argue until eternity" about whether arms were used for defensive or aggressive purposes.

Israel has a formidable arms industry of its own, which employs more than 50,000 people. It is based on three major firms, all state-owned. It also has a thriving private sector of 150 firms whose products, particularly in electronics, have proved highly successful in the international market.

Chief among the home-grown weapons being used in the present conflict are Merkava tanks, designed to end reliance on vulnerable Sherman and Centurion tanks from the US and Britain, which suffered heavy casualties in the 1973 Yom Kippur war. However, the Merkava has also proved vulnerable. All four crew members of one tank were killed when it hit a Hizbollah mine on the first day of the fighting.

Tacoma News Tribune
McChord Pilot Recounts Flying Americans Out Of Lebanon

Air Force Capt. Chris Mazzei has flown all around the world.

But the 27-year-old McChord Air Force Base pilot is now on the most important mission of his career so far: Helping American evacuees from war-torn Lebanon get home safely.

"This really was a once-in-a-lifetime experience for me," he said Wednesday from his position in the Middle East. "This is some of the most rewarding flying you can do."

In two separate missions, the airman from DuPont flew about 200 evacuees in C-17 aircraft from Larnaca, Cyprus, to Ramstein Air Base in Germany. From there, evacuees were taken by other Air Force crews to McGuire Air Force Base in New Jersey, where they could make their own travel arrangements home.

He said none of his passengers was injured, though most were exhausted and stressed. Many were of Lebanese descent and likely worried about family members left behind, he said.

One mother of two said the Navy and the Marines had already helped her escape before she flew with the Air Force. She joked that all she needed was an Army tank ride home to Michigan to complete her military tour.

"It's definitely been a multiservice operation," Mazzei said.

The C-17s are noisier and less aesthetically pleasing than commercial aircraft, he noted. On the upside, there's more space, so passengers could move around and lie on the floor. Children were also encouraged to check out the cockpit.

"I think we took a lot of the pressure off the parents and helped keep the kids occupied," he said.

He said each mission - the roundtrip flight, plus loading and unloading everyone - takes about 15 to 16 hours.

Mazzei is assigned to McChord's 10th Airlift Squadron, which is deployed to the Middle East for about 120 days. He's been in the area for about three weeks.

Thirty-two McChord pilots, loadmasters and aircraft maintainers were sent Saturday to help with the evacuation. Other McChord air crews are aiding the operation by conducting airfield assessments and delivering supplies.

Very Respectfully,

Coop

Anthony Cooper
Captain, U.S. Navy
Chief of Public Affairs
U.S. Transportation Command
508 Scott Drive
Scott AFB, IL 62225
Email: Anthony.Cooper@ustranscom.mil
Office: (618) 229-4828; DSN: 779

(b)(6)

USTRANSCOM CS

From: Dail, Robert LTG USTRANSCOM DC
Sent: Friday, February 17, 2006 7:36 AM
To: Schwartz, Norton Gen USTRANSCOM CC
Cc: Johnson, William MG USTRANSCOM CS; (b)(6) POLAD USTRANSCOM CC;
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(28 KB) KB)

Sir, we may want to review commercial contracting of non T-tail aircraft to support this mission when we do begin again. v/r Bob

FOR OFFICIAL USE ONLY. This electronic transmission contains internal matters that are deliberative in nature and/or are part of the agency decision-making process, both of which are protected from disclosure under the Freedom of Information Act, 5 USC 552. Do not release outside of the DOD channels without advance approval from the sender.

-----Original Message-----

From: Schwartz, Norton Gen USTRANSCOM CC
Sent: Friday, February 17, 2006 7:16 AM
To: John Craddock (b)(6)@us.army.mil
Cc: Dail, Robert LTG USTRANSCOM DC; Mentemeyer Richard MajGen Deputy CC USSOUTH; Johnson, William MG USTRANSCOM CS; (b)(6) POLAD USTRANSCOM CC; (b)(6) USTRANSCOM CC
Subject: FW: Guantanamo Gets Worse

John, (b)(6) our POLAD makes a good point on deferring DMO missions for a while. FYI, V/r, Norty.

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(b)(6)

USTRANSCOM CS

From: (b)(6) USTRANSCOM GPMRC
Sent: Thursday, June 29, 2006 12:18 AM
To: (b)(6) USTRANSCOM JTRU
Subject: FW: Joint Patient Tracking Application Login.html

Attachments: jpta_banner.jpg; 27.png; 29.png; 33.png; image001.jpg; image002.gif; image003.gif; image004.gif



jpta_banner.jpg
(29 KB)



27.png (11 KB)



29.png (10 KB)



33.png (10 KB)

M' an,

Here is the site that (b)(6) sent me last week. Enjoy.

V/R

(b)(6)

(b)(6) Medical Service Corps

U.S. Army

USTRANSCOM - GPMRC

Patient Movement Operations Officer

COM: (b)(6) DSN: (b)(6)

FAX: (b)(6) DSN: (b)(6)

email: (b)(6)@ustranscom.mil

-----Original Message-----

From: (b)(6) USTRANSCOM GPMRC
Sent: Friday, June 23, 2006 8:00 PM
To: (b)(6) USTRANSCOM GPMRC
Subject: Joint Patient Tracking Application Login.html

Welcome to the Joint Patient Tracking Application! Please log in.

LOGIN

Username

Username is required.

Password

Password is required.

HELP DESK

Request new accounts at <https://fhp.osd.mil>

Direct JPTA questions to jpta@deploymenthealth.osd.mil 703-578-8553 or
703-578-8563
DSN: 761-1659 or
DSN: 761-1661

WEATHER

Washington, DC

Currently: 80° F
Conditions: Mostly Cloudy

Weather data provided by [weather.com](http://www.weather.com) & <http://www.weather.com>

Frankfurt, Germany

Currently: 58° F
Conditions: Partly Cloudy

Weather data provided by [weather.com](http://www.weather.com) & <http://www.weather.com>

Al Basrah, Iraq

Currently: 86° F
Conditions: Fair

Weather data provided by [weather.com](http://www.weather.com) & <http://www.weather.com>

Kuwait City, Kuwait

Currently: 90° F
Conditions: Fair

Weather data provided by weather.com® <<http://www.weather.com>>

Kabul, Afghanistan

Currently: 66° F
Conditions: Fair

Weather data provided by weather.com® <<http://www.weather.com>>

CURRENT TIME

SAN ANTONIO
7:58 PM

WASHINGTON, DC
8:58 PM

ZULU TIME
12:58 AM

GERMANY
2:58 AM

BAGHDAD
4:58 AM

KABUL
5:28 AM

TOP HEADLINES

Iraqis call state of emergency in Baghdad (AP)
<<http://us.rd.yahoo.com/dailynews/rss/world/>
*http://news.yahoo.com/s/ap/20060623/ap_on_re_mi_ea/iraq>

<<http://us.rd.yahoo.com/dailynews/rss/world/>
*http://news.yahoo.com/s/ap/20060623/ap_on_re_mi_ea/iraq> AP - Iraq's government clamped a state of emergency on Baghdad and ordered everyone off the streets Friday after U.S. and Iraqi forces battled insurgents armed with rocket-propelled grenades, hand grenades and rifles near the heavily fortified Green Zone.

U.S., Japan expand missile-defense plan (AP) <<http://us.rd.yahoo.com/dailynews/rss/world/>
*http://news.yahoo.com/s/ap/20060623/ap_on_re_as/nkorea_missile>

<<http://us.rd.yahoo.com/dailynews/rss/world/>
*http://news.yahoo.com/s/ap/20060623/ap_on_re_as/nkorea_missile> AP - The United States and Japan agreed Friday to strengthen cooperation on missile defense amid concerns of a possible long-range rocket launch by North Korea.

Karzai: War not getting at terrorism cause (AP)
<<http://us.rd.yahoo.com/dailynews/rss/world/>
*http://news.yahoo.com/s/ap/20060623/ap_on_re_as/afghan_karzai>

<<http://us.rd.yahoo.com/dailynews/rss/world/>
*http://news.yahoo.com/s/ap/20060623/ap_on_re_as/afghan_karzai> AP - One of America's
closest allies says the war on terrorism fails to address its root causes.

Al-Qaida No. 2 mentions al-Zarqawi's death (AP)
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(b)(6)

USTRANSCOM CS

From: (b)(6) USTRANSCOM J6
Sent: Tuesday, February 27, 2007 2:37 PM
Subject: FW: Report: Many CIA 'ghost prisoners' still 'disappeared'

FYI -

-----Original Message-----

From: (b)(6) [mailto:(b)(6)]
Sent: Tuesday, February 27, 2007 2:17 PM
To: (b)(6)
USTRANSCOM J6; (b)(6) 805 CSPTS/SCE;
(b)(6) USTRANSCOM J6
Subject: Report: Many CIA 'ghost prisoners' still 'disappeared'

Anyone remember the 1980s/1990s? The death squads in Central America? Pinochet? Noriega? Weren't those guys accused of gross and criminal human rights abuse?

http://www.rawstory.com/news/2007/Report_Many_of_CIA_s_ghost_prisoners_0227.html

Report: Many CIA 'ghost prisoners' still 'disappeared'
Michael Roston
Published: Tuesday February 27, 2007

A report released yesterday by Human Rights Watch revealed that at least thirty-eight men detained in the Central Intelligence Agency's secret prisons are still unaccounted for. The report's lead author, Joanne Mariner, said in an interview with RAW STORY that it was time for Congress to boost its oversight in order to "monitor and police the abuses" that were suffered by these detainees.

Yesterday, Human Rights Watch released, Ghost Prisoner: Two Years in Secret CIA Detention. The report prominently features the experiences of Marwan Jabour, a Palestinian who was detained in Pakistan in May 2004 and released in Jordan in July 2006. In the interim, Jabour was "disappeared," and held in a secret prison run by the CIA, which he believes was in Afghanistan. Jabour alleges that he was tortured, beaten, and often deprived of sleep.

Human Rights Watch used Jabour's testimony to help shore up its investigation into the fate of "ghost" inmates in the CIA's secret prison system. In September of last year, the Bush administration transferred fourteen previously secret detainees to Guantanamo Bay. While acknowledging the existence of the secret prison system for the first time, the president said, "There are now no terrorists in the CIA program."

But Human Rights Watch warns that "it is certain that there were many more than 14." It presents partial information on 38 detainees that it believes were in the program. The group warns that the US "may have transferred some of them to foreign prisons where for practical purposes they remain under CIA control."

"Another worrying possibility is that prisoners were transferred from CIA custody to places where they face a serious risk of torture," the report adds.

Mariner, who heads the organization's terrorism and counterterrorism program, said no one could say right now if the 38 are the tip of the iceberg or most of the individuals detained.

"They've done everything in their power to keep this system secret, so all we can do is document what we can find out," she said.

But she explained that Jabour's example demonstrated how prisoners who disappeared for long periods of time can come back to light. The White House, she argued, had a key role to play in making this happen.

"The administration can make public who these people are, what happened to them and where they were transferred," she explained. "It's in their power to inform families of their whereabouts and put the detainees inside a system of legality."

Having no illusions of a sudden change in the administration's approach, Mariner called on the Democratic Congress, particularly the Intelligence Committees, to "shoulder the responsibility of monitoring and policing abuses, and put pressure on the White House to make this information public."

As one bright spot in coming Congressional oversight, she pointed to Senator Patrick Leahy (D-VT), chairman of the Senate Judiciary Committee, and his promise to press the administration to hand over the directive that created the CIA's secret prisons system.

"It was pretty shameful that the previous Congress didn't even obtain that directive in closed hearings," she remarked. "But the balance of power has changed, and that gives them an opportunity to exercise their power."

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Amdocs Enterprise DBAs Team Lead

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From: (b)(6) USTRANSCOM GPMRC
Sent: Friday, June 23, 2006 8:00 PM
To: (b)(6) USTRANSCOM GPMRC
Subject: Joint Patient Tracking Application Login.html

Attachments: jpta_banner.jpg; 27.png; 29.png; 33.png



jpta_banner.jpg (29 KB)



27.png (11 KB)



29.png (10 KB)



33.png (10 KB)

<https://jpta.fhp.osd.mil/PatientInformation/secured/images/jpta_banner.jpg>
Welcome to the Joint Patient Tracking Application! Please log in.

LOGIN

Username: Username is required.
Password: Password is required.

HELP DESK

Request new accounts at <https://fhp.osd.mil>

Direct JPTA questions to jpta@deploymenthealth.osd.mil 703-578-8553 or
703-578-8563
DSN: 761-1659 or
DSN: 761-1661

WEATHER

Washington, DC

Currently: 80° F
Conditions: Mostly Cloudy
<<https://jpta.fhp.osd.mil/PatientInformation/secured/images/weather/64x64/27.png>>
Weather data provided by weather.com® <<http://www.weather.com>>

Frankfurt, Germany

Currently: 58° F
Conditions: Partly Cloudy
<<https://jpta.fhp.osd.mil/PatientInformation/secured/images/weather/64x64/29.png>>
Weather data provided by weather.com® <<http://www.weather.com>>

Al Basrah, Iraq

Currently: 86° F
Conditions: Fair
<<https://jpta.fhp.osd.mil/PatientInformation/secured/images/weather/64x64/33.png>>
Weather data provided by weather.com® <<http://www.weather.com>>

Kuwait City, Kuwait

Currently: 90° F
Conditions: Fair

<<https://jpta.fhp.osd.mil/PatientInformation/secured/images/weather/64x64/33.png>>
Weather data provided by weather.com® <<http://www.weather.com>>

Kabul, Afghanistan

Currently: 66° F

Conditions: Fair

<<https://jpta.fhp.osd.mil/PatientInformation/secured/images/weather/64x64/33.png>>
Weather data provided by weather.com® <<http://www.weather.com>>

CURRENT TIME

SAN ANTONIO

7:58 PM WASHINGTON, DC

8:58 PM ZULU TIME

12:58 AM GERMANY

2:58 AM BAGHDAD

4:58 AM KABUL

5:28 AM

TOP HEADLINES

Iraqis call state of emergency in Baghdad (AP)

<<http://us.rd.yahoo.com/dailynews/rss/world/>

*http://news.yahoo.com/s/ap/20060623/ap_on_re_mi_ea/iraq

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*http://news.yahoo.com/s/ap/20060623/ap_on_re_mi_ea/iraq AP - Iraq's government clamped a state of emergency on Baghdad and ordered everyone off the streets Friday after U.S. and Iraqi forces battled insurgents armed with rocket-propelled grenades, hand grenades and rifles near the heavily fortified Green Zone.

U.S., Japan expand missile-defense plan (AP) <<http://us.rd.yahoo.com/dailynews/rss/world/>

*http://news.yahoo.com/s/ap/20060623/ap_on_re_as/nkorea_missile

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*http://news.yahoo.com/s/ap/20060623/ap_on_re_as/nkorea_missile AP - The United States and Japan agreed Friday to strengthen cooperation on missile defense amid concerns of a possible long-range rocket launch by North Korea.

Karzai: War not getting at terrorism cause (AP)

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After the State Department's Rose Likins gave a report about foreign service training, committee member Joshua Muravchik said, "I come away just shaking my head at the complete absence of a sense of political strategy or political skills on the part of our people."

Gershman added that in the "inhospitable" Middle East, "it's just not a matter of training embassies to sort of be sensitive to dissidents."

"I'm distressed," Likins responded, "to hear the news that you think 90 percent of the people that you met in the field doing this are not doing it effectively."

Windsor criticized the State Department for requesting a decrease in funding for civil society and human rights in the 2008 budget. "That doesn't send a very good message," she protested.

Gershman noted that some of the administration's democracy promoting programs "could be seen as token gestures."

"This is a bad period for a lot of reasons," added Gershman, president of the National Endowment for Democracy. "The political dynamic that we represent, the forces we support, have been put on the defensive."

Sharp words. Fortunately for the State Department, Rice and the television cameras were gone.

WASHINGTON POST

CIA Chief Complains About Agency's Critics in Europe

Hayden Speaks to Foreign Envoys on Anti-Terror Efforts

By Walter Pincus
Washington Post Staff Writer
Tuesday, April 17, 2007; A12

CIA Director Michael V. Hayden has taken the unusual step of complaining privately to European diplomats about officials in their countries criticizing U.S. intelligence programs that involve renditions, detentions and interrogations of terrorism suspects.

At a luncheon last month at the German Embassy in Washington, Hayden gave a frank report on the controversial counterterrorism programs and spoke of his concern about the inaccurate information surrounding them and the "unbounded criticism" directed at them, particularly from the European Parliament, according to Western diplomats and officials aware of his remarks. They spoke on the condition of anonymity because the meeting was private.

Word of Hayden's protest came on the eve of testimony by members of the European Parliament who investigated the U.S. programs, scheduled for this afternoon before a House Foreign Affairs subcommittee.

Hayden has told colleagues that he is worried that misinformation could force some countries to end their cooperation on these programs. In addition, he is bothered that some foreign officials whose security services have benefited from intelligence derived from the programs have been hypocritical in publicly criticizing them, former intelligence officials said.

A February report by the European Parliament called CIA renditions illegal and complained that many cases involved incommunicado detentions and torture.

In describing the size of the CIA programs, details of which remain classified, Hayden said fewer than 100 people had been held in secret "black site" facilities since spring 2002, according to the diplomats and officials. He added that fewer than half had been subjected to what President Bush described as "alternative procedures" during interrogations, the sources recalled. Terrorism suspect Abu Zubaida, who Hayden said in his speech was the first captured suspect to undergo such procedures, said he was tortured, according to a transcript of his Combatant Status Review Tribunal released yesterday by the Pentagon.

"The United States does not conduct or condone torture, and the CIA interrogation program is conducted lawfully," a CIA spokesman said yesterday.

Hayden said that renditions -- the transfers of CIA detainees to third countries -- have totaled fewer than 100, fewer than the 1,254 CIA flights that were identified in the European report. The report acknowledged that "not all those flights have been used for extraordinary rendition."

Hayden said the renditions were undertaken with the consent and often the assistance of the countries where the detainees were located. He attempted to differentiate the CIA's small-scale detention and interrogation program, targeted at the most dangerous detainees, and the larger Defense Department prison system, which is focused around 400 or more terrorism suspects who have been held at Guantanamo Bay, Cuba.

WASHINGTON POST

Warming Predicted to Take Severe Toll on U.S.

By Juliet Eilperin
Washington Post Staff Writer
Tuesday, April 17, 2007; A12

to do with the firings. But if you take his version of events at face value, Gonzales doesn't actually seem to know just why the prosecutors were canned.

At first, he said he had nothing to do with the whole thing. Then he acknowledged that he did -- after it was disclosed that he attended a meeting on the firings, held in his own office. Now he says that, yes, he was given updates on the situation, and, yes, he did approve the "final recommendations" of his aides to fire the U.S. attorneys. But somehow, in his mind, this doesn't add up to material participation.

Gonzales had an op-ed Sunday in The Post that included this positively breathtaking claim: The attorney general of the United States writes that "to my knowledge, I did not make decisions about who should or should not be asked to resign."

To his knowledge? What on earth does that mean? Is Gonzales in the habit of making decisions *without* his own knowledge? Does he have multiple-personality issues?

Rove, Wolfowitz and Gonzales are making the last-ditch argument of a cheating husband caught in flagrante: Who are you going to believe, me or your lying eyes?

NEW YORK TIMES

April 17, 2007

Bush Allies in Congress Block Bill That Would Require Intelligence Disclosures

By MARK MAZZETTI

Page A6

WASHINGTON, April 16 — The Bush administration's allies in Congress on Monday blocked a bill that would require the White House to disclose the locations of secret prisons run by the Central Intelligence Agency and to reveal the amount spent annually by American intelligence agencies.

The vote on the intelligence bill was a blow to Senate Democrats, newly in control of Congress, who had hoped that they would be able to extract more details from the White House about some of the most widely debated intelligence programs begun after the Sept. 11 attacks.

Opponents of the legislation, led by Senator Jim DeMint, a South Carolina Republican, won enough support on Monday to prevent the bill from going to the Senate floor for a final vote. But Congressional officials said that negotiations over the measure would continue Tuesday, and Democrats said they were still hopeful the bill could eventually pass.

TRANSCOM GHOST DOCS 24

★ Money for the 2007 intelligence budget was already appropriated last year through the defense spending bill, so defeat of the bill would not hold up money for the 16 agencies that make up the American intelligence network. The White House last week threatened to veto the intelligence bill because it contained several provisions it deemed objectionable, including a requirement that the Bush administration give Congress a detailed report about C.I.A. prison locations and interrogation methods used on high-level terrorism suspects.

Since 2002, the C.I.A. has detained and interrogated several top operatives of Al Qaeda, including Khalid Shaikh Mohammed, suspected of being the mastermind of the Sept. 11 attacks. Last year, President Bush announced that all C.I.A. prisoners had been transferred to Guantánamo Bay, Cuba, and put in military custody, but that the C.I.A. prisons would remain in operation.

The White House has since declined to say whether the C.I.A. currently has any prisoners in custody.

The Senate bill also requires the White House to make public the annual budget of the American intelligence agencies. The intelligence budget, which has long been classified, is widely believed to be approximately \$44 billion.

A White House statement issued last week said that publicly disclosing the figures would allow adversaries to track annual changes in the budget, which could compromise intelligence sources and methods.

Another of the bill's provisions would require the White House to hand over any intelligence document to Congress within 30 days of its request, unless the President makes a specific claim of executive privilege.

The White House statement called the provision "highly objectionable," and said it would "foster political gamesmanship and elevate routine disagreements to the level of constitutional crises."

Democrats responded angrily to efforts to block the intelligence bill.

Harry Reid, of Nevada, the Senate majority leader, said that Republicans' "actions don't match their rhetoric" on national security issues, and that passage of the bill was necessary for American intelligence agencies to do their jobs effectively.

NEW YORK TIMES

April 17, 2007

Ex-Aide Says Gonzales Discussed Firings

By DAVID JOHNSTON

TRANSCOM GHOST DOCS 25

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By DAVID JOHNSTON

TRANSCOM GHOST DOCS 27

The writer, a Democrat from Texas, is chairman of the House Permanent Select Committee on Intelligence.

NEW YORK TIMES

May 30, 2007

Advisers Fault Harsh Methods in Interrogation

By SCOTT SHANE and MARK MAZZETTI

Page 1

WASHINGTON, May 29 — As the Bush administration completes secret new rules governing interrogations, a group of experts advising the intelligence agencies are arguing that the harsh techniques used since the 2001 terrorist attacks are outmoded, amateurish and unreliable.

The psychologists and other specialists, commissioned by the Intelligence Science Board, make the case that more than five years after the Sept. 11 attacks, the Bush administration has yet to create an elite corps of interrogators trained to glean secrets from terrorism suspects.

While billions are spent each year to upgrade satellites and other high-tech spy machinery, the experts say, interrogation methods — possibly the most important source of information on groups like Al Qaeda — are a hodgepodge that date from the 1950s, or are modeled on old Soviet practices.

Some of the study participants argue that interrogation should be restructured using lessons from many fields, including the tricks of veteran homicide detectives, the persuasive techniques of sophisticated marketing and models from American history.

The science board critique comes as ethical concerns about harsh interrogations are being voiced by current and former government officials. The top commander in Iraq, Gen. David H. Petraeus, sent a letter to troops this month warning that “expedient methods” using force violated American values.

In a blistering lecture delivered last month, a former adviser to Secretary of State Condoleezza Rice called “immoral” some interrogation tactics used by the Central Intelligence Agency and the Pentagon.

But in meetings with intelligence officials and in a 325-page initial report completed in December, the researchers have pressed a more practical critique: there is little evidence, they say, that harsh methods produce the best intelligence.

"There's an assumption that often passes for common sense that the more pain imposed on someone, the more likely they are to comply," said Randy Borum, a psychologist at the University of South Florida who, like several of the study's contributors, is a consultant for the Defense Department.

The Bush administration is nearing completion of a long-delayed executive order that will set new rules for interrogations by the Central Intelligence Agency. The order is expected to ban the harshest techniques used in the past, including the simulated drowning tactic known as waterboarding, but to authorize some methods that go beyond those allowed in the military by the Army Field Manual.

President Bush has insisted that those secret "enhanced" techniques are crucial, and he is far from alone. The notion that turning up pressure and pain on a prisoner will produce valuable intelligence is a staple of popular culture from the television series "24" to the recent Republican presidential debate, where some candidates tried to outdo one another in vowing to get tough on captured terrorists. A 2005 Harvard study supported the selective use of "highly coercive" techniques.

But some of the experts involved in the interrogation review, called "Educating Information," say that during World War II, German and Japanese prisoners were effectively questioned without coercion.

"It far outclassed what we've done," said Steven M. Kleinman, a former Air Force interrogator and trainer, who has studied the World War II program of interrogating Germans. The questioners at Fort Hunt, Va., "had graduate degrees in law and philosophy, spoke the language flawlessly," and prepared for four to six hours for each hour of questioning, said Mr. Kleinman, who wrote two chapters for the December report.

Mr. Kleinman, who worked as an interrogator in Iraq in 2003, called the post-Sept. 11 efforts "amateurish" by comparison to the World War II program, with inexperienced interrogators who worked through interpreters and had little familiarity with the prisoners' culture.

The Intelligence Science Board study has a chapter on the long history of police interrogations, which it suggests may contain lessons on eliciting accurate confessions. And Mr. Borum, the psychologist, said modern marketing may be a source of relevant insights into how to influence a prisoner's willingness to provide information.

"We have a whole social science literature on persuasion," Mr. Borum said. "It's mostly on how to get a person to buy a certain brand of toothpaste. But it certainly could be useful in improving interrogation."

Robert F. Coulam, a research professor and attorney at Simmons College and a study participant, said that the government's most vigorous work on interrogation to date has been in seeking legal justifications for harsh tactics. Even today, he said, "there's nothing

like the mobilization of effort and political energy that was put into relaxing the rules” governing interrogation.

The director of the science board project, Robert A. Fein, a forensic psychologist at Harvard, declined to speak on the record.

In a prologue to the December report, the first of a planned series, Mr. Fein said the shortage of research meant that many American interrogators were “forced to ‘make it up’ on the fly,” resulting in “unfortunate cases of abuse.”

But associates say Mr. Fein does not want to antagonize intelligence officials, whom he hopes to persuade to bring the reality check of research to bear on interrogation practices.

Defenders of the harshest interrogations, particularly as practiced by the C.I.A. at secret overseas sites, say they were carefully devised and have produced valuable intelligence. An agency spokesman, Paul Gimigliano, said the program “has generated a rich volume of intelligence that has helped the United States and other countries disrupt terrorist activities and save innocent lives.”

He said the agency’s interrogators were “seasoned, well trained, and have the linguistic resources they need,” and added, “The agency learned terrorist interrogation after 9/11, but — based on the effectiveness of this fully legal program — it learned it well.”

A. B. Krongard, who was the executive director of the C.I.A., the No. 3 post at the agency, from 2001 to 2004, agreed with that assessment but acknowledged that the agency had to create an interrogation program from scratch in 2002.

He said officers quickly consulted counterparts in Egypt, Saudi Arabia, Israel and other countries to compile a “catalog” of techniques said to be effective against Arab and Muslim prisoners. They added other methods drawn from those that American troops were trained to withstand in case of capture.

Mr. Krongard even recalls receiving a proposal for help with questioning Qaeda suspects from an American dentist who said he “could create pain no human being could withstand.”

The agency rejected such ideas as ludicrous. But administration lawyers approved a list of harsh methods that have drawn widespread condemnation.

In an April lecture, Philip D. Zelikow, the former adviser to Ms. Rice, said it was a grave mistake to delegate to attorneys decisions on the moral question of how prisoners should be treated.

Mr. Zelikow, who reviewed the C.I.A. detention program as the executive director of the Sept. 11 commission, said the “cool, carefully considered, methodical, prolonged and

repeated subjection of captives to physical torment, and the accompanying psychological terror, is immoral.”

Many of the techniques that have come in for such criticism were based on those used in the military’s Survival, Evasion, Resistance and Escape training, or SERE, in which for decades American service members were given a sample of the brutal treatment they might face if captured.

Because the training was developed during the cold war, the techniques later adopted by the C.I.A. and Special Operations officers in Iraq were based, at least in part, on how the Soviet Union and its allies were believed to treat prisoners. Such techniques included prolonged use of stress positions, exposure to heat and cold, sleep deprivation and even waterboarding.

A report on detainee abuse by the Defense Department’s inspector general, completed in August but declassified and released May 18, gives new details of how the military training was “reverse engineered” for use by American interrogators. It says that as early as 2002, some SERE trainers and some military intelligence officers vehemently objected to the use of the techniques, but their protests were ignored.

Senator Carl Levin, a Michigan Democrat and chairman of the Senate Armed Services Committee, said he found the report “very troubling” and intended to hold hearings on how the SERE training methods became the basis for interrogation. “They were put to a purpose that was never intended,” Mr. Levin said.

Mr. Kleinman, the former Air Force interrogator who took part in the “Educating Information” study, said the mistakes of the past five years “have made interrogation synonymous in many people’s minds with torture.” But he said the group wanted to redirect the debate toward the future of interrogation.

“Our intention is not to point fingers at anyone,” he said. “We’re just saying we have to bring interrogation up to the level of professionalism in other intelligence disciplines.”

NEW YORK TIMES

May 30, 2007

Gingrich Lambastes President and Rove

By JIM RUTENBERG

Page A16

WASHINGTON, May 29 — President Bush has presided over a Republican Party in “collapse,” and Karl Rove’s strategy in the 2004 presidential election was “maniacally dumb” for focusing so heavily on the conservative base.

EDITORIAL:

Bad Methods

President Bush's 'alternative' techniques for questioning terrorism suspects have no basis in science or law.

Friday, June 1, 2007; A14



IN ASKING Congress to legalize the CIA's secret prison program last year, President Bush claimed that the "alternative procedures" adopted for the interrogation of terrorism suspects "were designed to be safe, to comply with our laws, our Constitution and our treaty obligations." In fact, as is made clear in a newly declassified report by the Defense Department's deputy inspector general for intelligence, the administration did not so much design as reverse-engineer its methods. The guiding authority was not the Constitution but the practices of secret police in places such as the former Soviet Union.

Techniques such as prolonged sleep deprivation, exposure to temperature extremes and death threats were taught to interrogators at the Guantanamo Bay prison in 2002 and to special Army teams in Iraq a year later by military trainers whose normal duty was to school U.S. soldiers on resisting torture in the event they were captured by a lawless regime. No studies were done to determine whether the methods were effective or whether other interrogation practices might get better results. The Survival, Evasion, Resistance and Escape (SERE) training, according to the report, "replicate[s] harsh conditions that the [U.S.] Service member might encounter if they are held by forces that do not abide by the Geneva Conventions. . . . The SERE expertise lies in training personnel how to respond [to] and resist interrogations -- not in how to conduct interrogations." Yet many of the methods used on "high-value" detainees in both Guantanamo and Iraq came from SERE.

Mr. Bush and other administration officials argue that those methods got results from such al-Qaeda prisoners as Khalid Sheikh Mohammed, a claim that cannot be independently verified because the records of those interrogations have been kept secret. What administration officials don't mention is that at least two top prisoners, Mohamed Qatani and Ibn al-Shaykh al-Libi, are now known to have provided false information to interrogators after being tortured -- in Mr. al-Libi's case, by Egyptian jailers. Moreover, an extensive report by the Intelligence Science Board, sponsored by the Pentagon, concluded that there is no scientific evidence to back up the administration's contention that the techniques it adopted are effective. In fact, the intelligence experts concluded that some painful and coercive treatment could prevent interrogators from getting good information.

What makes these conclusions particularly significant is that the administration is preparing an executive order that would set new rules for the CIA's "alternative procedures," under the terms of the flawed legislation that Congress approved last fall.

According to a report this week in the New York Times, the order is near completion and would reauthorize some of the harsh methods. If so, Mr. Bush will act in contravention of his administration's own expert advisers and the military investigators who showed how the techniques of totalitarians were recklessly adopted by Americans. Congress, which was wrong to hand the president the authority to bend the Geneva Conventions, ought to intervene to prevent further abuse.

LOS ANGELES TIMES

OPINION:

Words in a time of war

A sobering reality check on the Iraq war for an administration that once said it could create reality.

By Mark Danner

MARK DANNER, author of "The Secret Way to War," is a professor of journalism and politics at UC Berkeley and at Bard College. The full text of this address is available at Tomdispatch.com.

June 1, 2007

This is an edited version of a recent commencement address at UC Berkeley.

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BEING INVITED to deliver a commencement address to the Department of Rhetoric is akin to being asked out for a romantic evening by a porn star. Whatever prospect you might have of pleasure is inevitably dampened by performance anxiety — the suspicion that your efforts, however enthusiastic, will inevitably be judged according to stern professional standards. A daunting prospect.

Yet I agreed to do so today because if ever there was a need for a "disciplined grasp" of the "symbolic and institutional dimensions of discourse" — as your Rhetoric Department's website puts it — surely it is now. For today we are living under a presidential administration that not only is radical — unprecedentedly so — in its attitudes toward rhetoric and reality, toward words and things, but is also willing, to our great benefit, to state this attitude clearly.

Here is my favorite quotation about the Bush administration, a description of a conversation with the proverbial "unnamed administration official" by the fine journalist Ron Suskind in October 2004:

"The aide said that guys like me were 'in what we call the reality-based community,'

Rep. Henry A. Waxman (D-Calif.), chairman of the oversight committee, said in an interview that he has "no plans at the present moment" to give anybody immunity and intends further investigation over what he described as a "complete disregard" of the Presidential Records Act. That act requires the White House to take steps to maintain a documentary record of presidential decisions and deliberations. According to the committee, the White House counsel's office issued clear policies soon after the Bush inauguration in 2001, instructing the White House staff to use only the official White House e-mail system for official business.

But investigators suggested that this instruction was routinely flouted, as senior officials used the RNC accounts on a "regular and consistent basis," according to the report, which was based on information subpoenaed from the RNC and supplied by federal agencies as well as Ralston's testimony. According to the committee's data, Rove and six other White House officials all averaged more than 100 e-mails sent or received each weekday during the period that their accounts were active.

The committee did not say how much of this e-mail pertained to official government business but noted it received partial inventories of e-mails from some of those who communicated with White House officials using RNC and Bush-Cheney '04 accounts. Inventories from the Transportation Department, the Environmental Protection Agency and the Federal Election Commission said that many of these e-mails were about official appointments and personnel matters, the report said.

The committee noted that the RNC said that it has retained no e-mail messages for 51 of the 88 White House officials with RNC e-mail accounts. Ralston testified that at least 20 of these officials used RNC e-mail accounts, in some cases regularly.

WASHINGTON POST

Administration Struggles With Interrogation Specifics

By Karen DeYoung
Washington Post Staff Writer
Tuesday, June 19, 2007; A04

Eight months after President Bush signed a bill authorizing the CIA to resume using "enhanced interrogation techniques" on terrorism suspects, the administration has been unable to agree on what constitutes "humiliating and degrading treatment" of detainees.

The CIA program remains in limbo, awaiting an executive order about the techniques that has become the subject of tense discussions within the administration and between the White House and the Senate Select Committee on Intelligence.

The issue is expected to receive a rare public airing today as the committee holds a confirmation hearing for John A. Rizzo, nominated by Bush in March 2006 as the CIA's

legal counsel. Senators plan to ask Rizzo, a 30-year CIA veteran who is serving as acting counsel, about his involvement in past interrogation policymaking as well as the pending guidelines.

The CIA months ago promulgated a proposed list of interrogation guidelines, reportedly jettisoning some of the more controversial techniques authorized in the past such as simulated drowning, a practice known as "waterboarding." CIA Director Michael V. Hayden has provided lawmakers with a detailed briefing on the guidelines.

Under a provision of the Military Commissions Act he signed last October, Bush must provide an interpretation of a key provision of the international Geneva Conventions and certify that the CIA, while given wider latitude than military interrogators, does not use methods that constitute what the provision calls "outrages upon personal dignity, in particular humiliating and degrading treatment."

"It is all still under review," said one senior administration official, who called the issue "hard, complicated and controversial." The official, who declined to speak on the record about an intelligence matter, said that "everybody recognizes that we're writing against, far from a blank slate, a very dirty slate. The administration would like to try to get it right."

In a further complication, the Senate panel demanded that Bush obtain a Justice Department review of the interpretation and guidelines, and provide a copy of the review to the committee. The administration is believed to have already obtained the review but is unlikely to turn it over to Congress, the administration official said. Lawmakers will be asked to accept Bush's assurance in the executive order that the program has been deemed lawful.

The committee, in its version of the fiscal 2008 intelligence authorization bill, said a copy of the review was needed "as part of its ongoing oversight" of the program. "The committee is saying that it's meaningless to us until you provide the legal justification for it," one Senate source said.

Although the committee said the earlier CIA program produced "valuable information that has led to the identification of terrorists and the disruption of terrorist plots," it questioned whether it was the "best means to obtain a full and reliable intelligence debriefing of a detainee." It also advised that the program be "weighed against" the complications it caused in prosecuting suspected terrorists, some of whom have said they were tortured, and "the damage the program does to the image of the United States abroad."

* Rizzo's hearing was repeatedly postponed as senators requested additional information from the CIA and the Justice Department related to the history of the detention and interrogation program since the Sept. 11, 2001, attacks. Many, but not all, of the requested documents have been provided over the past several months, a Senate source said.

The Justice Department so far has refused to turn over earlier legal opinions justifying interrogation techniques that human rights organizations and some members of Congress have said constituted torture.

Hayden replaced much of the senior CIA leadership after taking over last summer. His decision to leave Rizzo's nomination in place led opponents of the CIA program to question Hayden's commitment to ensuring its legality.

Sen. Russell Feingold (D-Wis.), an intelligence committee member who has advocated ending all enhanced interrogations, said that "given this administration's willingness to violate the law and keep Congress in the dark . . . it is particularly important for Mr. Rizzo to provide assurances . . . that he will ensure that CIA respects the laws that Congress writes and will not rely on the administration's theory of inherent constitutional authority to violate the law."

Another committee member, Sen. John W. Warner (R-Va.), said in an interview that it is essential that the CIA "have a sort of parallel framework that can stand alongside" military regulations and allow the agency "to continually confirm to the Congress that they are operating within the framework of the law."

★ Bush acknowledged the existence of secret CIA detention centers last September and said the last 14 prisoners being held had been transferred to the U.S. military prison at Guantanamo Bay, Cuba. The administration at the same time left open the possibility that new prisoners could be detained under the program, which Bush called a crucial national security tool.

Last summer, the Supreme Court ruled that all U.S. detainees were covered by provisions of the Geneva Conventions. The Military Commissions Act specified Geneva prohibitions against "inhumane" treatment, such as rape and murder, but left it to the president to interpret what a provision known as Common Article 3 meant by "humiliating" and "degrading."

The CIA is free to interrogate prisoners within existing military guidelines and believes that the enhanced techniques it has presented to the administration and to Congress fall within a legal definition. But it has been reluctant to authorize use of the techniques until the White House endorses its proposal.

Although the White House said in March that it expected to issue the executive order in "the next few weeks," a spokesman said last week that officials "can't anticipate when the deliberations will be completed."

Noting that the "Military Commissions Act sets forth no timing requirement for its issuance," the spokesman added that since the order "would be authoritative in its interpretation of the Geneva Conventions, it is important that the administration takes time to consider fully all legal and administrative aspects."

O'Neill was not alone in feeling that way. The secretary of state, the national security adviser and the chairman of the Federal Reserve Board also discovered to their surprise that Cheney had gone behind their backs to get his way with the president.

What Gellman and Becker have described is a decision-making process in which Bush has allowed Cheney to play a bureaucratic role inside the White House that Cheney never permitted anyone to employ when he was guarding the door as Gerald Ford's chief of staff.

He could exercise this power only with the compliance of the president and only because he often could bypass the procedures he had put in place in the Ford administration, procedures meant to protect the president's interests. He used his intelligence and his grasp on the levers of power -- and most of all he used secrecy -- to outflank and outwit others and thereby shape the Bush administration's agenda.

It was not illegal, and it was not unconstitutional, but it could not have happened unless the president permitted it and enabled it. And ultimately the president is responsible for what has become, in very large respect, the resulting wreckage of foreign policy, national security policy, budget policy, energy policy and environmental policy under Cheney's direction and on Cheney's watch.

Where I thought, mistakenly, that it would be a great advantage to Bush to have a White House partner without political succession in mind, it has turned out to be altogether too liberating an environment for a political entrepreneur of surpassing skill operating under an exceptional cloak of secrecy.

Thanks to Gellman and Becker, some of that secrecy has been removed.

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NEW YORK TIMES

June 28, 2007

White House Is Subpoenaed on Wiretapping

By JAMES RISEN

Page 1

WASHINGTON, June 27 — The Senate Judiciary Committee on Wednesday issued subpoenas to the White House, Vice President Dick Cheney's office and the Justice Department after what the panel's chairman called "stonewalling of the worst kind" of efforts to investigate the National Security Agency's policy of wiretapping without warrants.

The move put Senate Democrats squarely on a course they had until now avoided, setting the stage for a showdown with the Bush administration over one of the most contentious issues arising from the White House's campaign against terrorism.

Senator Patrick J. Leahy, the Vermont Democrat who is chairman of the committee, said the subpoenas seek documents that could shed light on the administration's legal justification for the wiretapping and on disputes within the government over its legality.

In addition, the panel is seeking materials on related issues, including the relationship between the Bush administration and several unidentified telecommunications companies that aided the N.S.A. eavesdropping program.

The panel's action was the most aggressive move yet by lawmakers to investigate the wiretapping program since the Democrats gained control of Congress this year.

Mr. Leahy said Wednesday at a news conference that the committee had issued the subpoenas because the administration had followed a "consistent pattern of evasion and misdirection" in dealing with Congressional efforts to scrutinize the program.

"It's unacceptable," Mr. Leahy said. "It is stonewalling of the worst kind."

The White House, the vice president's office and the Justice Department declined Wednesday to say how they would respond to the subpoenas.

"We're aware of the committee's action and will respond appropriately," said Tony Fratto, White House deputy press secretary.

"It's unfortunate that Congressional Democrats continue to choose the route of confrontation," Mr. Fratto added.

A spokeswoman for Mr. Cheney said his office would respond later, while a Justice Department spokesman said, "The department will continue to work closely with the Congress as they exercise their oversight functions, and we will review this matter in the spirit of that longstanding relationship."

Under the domestic eavesdropping program, the N.S.A. did not obtain warrants before listening in on phone calls and reading e-mail messages to and from Americans and others in the United States who the agency believes may be linked to Al Qaeda. Only international communications — those into and out of the country — were monitored, according to administration officials.

The Senate panel's action comes after dramatic testimony last month by James B. Comey, former deputy attorney general, who described a March 2004 confrontation at the hospital bedside of John Ashcroft, then attorney general, between Justice Department officials and White House aides over the legality of the wiretapping program.

Before Mr. Comey's testimony, the White House had largely been able to fend off aggressive oversight of the N.S.A. wiretapping since it was first disclosed in December 2005. The Republican-controlled Congress held hearings last year, and even considered legislative proposals to curb the scope of the eavesdropping. But Mr. Cheney repeatedly pressured Republican Congressional leaders to pull back.

When the Democrats won the 2006 midterm elections, many observers predicted that the N.S.A. program — which a federal judge declared unconstitutional — would be one of the first Bush administration operations to undergo new scrutiny. But in January, the administration announced that it was placing the program under the legal framework of the Foreign Intelligence Surveillance Act, a move it had previously refused to consider.

The Democrats have largely focused on objections to the Iraq war in their first months in power, and have appeared reluctant to take aggressive steps to challenge policies on harsh interrogation practices, secret Central Intelligence Agency prisons and domestic wiretapping for fear of being labeled soft on terrorism.

For instance, at a confirmation hearing on June 19 for John A. Rizzo as general counsel of the C.I.A., no member of the Senate Intelligence Committee directly challenged the agency's secret detention or harsh interrogation practices.

Mr. Rizzo successfully dodged tougher questions by saying he preferred to answer them in closed session. The Senate Intelligence Committee has conducted closed-door oversight of the wiretapping, but it has not been as aggressive as the Judiciary Committee in publicly challenging the administration over it.

But Mr. Comey's testimony has given Democrats an opening to argue that they are focusing on the legal issues of the program, rather than on the merits of monitoring the phone calls of terrorist suspects.

"The Comey testimony moved this front and center," said Senator Charles E. Schumer, the New York Democrat who is a member of the Judiciary Committee. "Alarm bells went off. His testimony made it clear that there had been an effort to circumvent the law."

The Senate panel has been asking the administration for documents related to the program since Mr. Comey testified. But the White House had not responded to a letter from Mr. Leahy and Senator Arlen Specter of Pennsylvania, the ranking Republican on the panel. As a result, the panel voted 13 to 3 last Thursday to authorize Mr. Leahy to issue the subpoenas, with three Republicans voting in favor of issuing them. Separately, the House Judiciary Committee has also threatened to issue subpoenas for the same documents.

The wiretapping is just one of several legal issues on which Congress and the administration are squaring off. For example, the White House is under pressure to respond to subpoenas issued two weeks ago by the House and Senate Judiciary Committees for witnesses and documents related to the dismissal of federal prosecutors.

Thursday is the deadline for the White House to turn over documents linked to Harriet E. Miers, the former White House counsel, and Sara M. Taylor, the former White House political director.

If the White House fails to produce the material, the House and Senate could begin a process leading to contempt resolutions to force compliance. Meanwhile, Mr. Cheney is in a separate standoff with Congress and the National Archives over his office's refusal to follow an executive order concerning handling of classified documents.

Mr. Cheney declared that his office did not have to abide by the order that all executive branch offices provide data to the Archives about the amount of material they have classified. His office said that he is not a member of the executive branch, because he is president of the Senate.

David Johnston and Scott Shane contributed reporting.

NEW YORK TIMES

June 28, 2007

U.S. Faces More Distrust From World, Poll Shows

By MEG BORTIN

Page A12

PARIS, June 27 — Distrust of the United States has intensified across the world, but overall views of America remain very or somewhat favorable among majorities in 25 of 46 countries and the Palestinian territories surveyed in an international poll conducted by the Pew Research Center, in results reported Wednesday.

“Anti-Americanism since 2002 has deepened, but it hasn't really widened,” said Andrew Kohut, director of the Pew Global Attitudes Project. “It has worsened among America's European allies and is very, very bad in the Muslim world. But there is still a favorable view of the United States in many African countries, as well as in ‘New Europe’ and the Far East.”

Nonetheless, majorities in many countries reject the main planks of current United States foreign policy and express distaste for American-style democracy, the survey found.

Respondents worldwide not only want the United States to pull its troops out of Iraq “as soon as possible,” but also seek a rapid end to the American and NATO military intervention in Afghanistan, now in its sixth year. The poll found growing wariness toward other major powers as well. Concerns over China's economic and military might have tarnished its image in many nations, the poll found, and confidence in President Vladimir V. Putin of Russia has dropped sharply.

chance before the summer recess for lawmakers to show voters that they can agree on at least some action aimed at changing the course of the war.

One supporter, Senator John E. Sununu, a New Hampshire Republican, said he had favored adopting the study group's proposals all along. "It's a good framework," he said.

Other senators said they were still considering the idea. "If we put the Iraq Study Group into place, does that send the wrong signal to anybody?" asked Senator Lisa Murkowski, an Alaska Republican. "I don't think so."

NEW YORK TIMES

EDITORIAL:
July 15, 2007
EDITORIAL

Terrorism and the Law: In Washington, a Need to Right Wrongs

Page WK11

Congress and President Bush are engaged in a profound debate over what the founding fathers intended when they divided the powers to declare and conduct war between two co-equal branches of government. But on one thing, the Constitution is clear: Congress makes the rules on prisoners.

At least that is what it says in Article 1, Section 8, Paragraph 11 of the Constitution, which gives Congress the power to "make rules concerning captures on land and water." And it is good that Congress seems finally ready to get back on the job. This week, the Senate will consider a bill that would restore to the prisoners of Guantánamo Bay the right to challenge their detention in court.

The Senate and then the House must pass the bill with veto-proof majorities. But that is only a start. The White House and its Republican allies have managed to delay consideration of bills that would finally shut the prison at Guantánamo Bay and begin undoing the damage wrought by the Military Commissions Act of 2006. That national disgrace gave legal cover to secret prisons, kangaroo courts and the indefinite detention of prisoners without charges in a camp outside the United States.

Shutting Guantánamo Bay will not be easy — and it will not be enough. Of about 375 inmates, the administration says only about 80 can be charged under the Military Commissions Act. Along with Guantánamo the entire law needs to be scrapped. Prisoners against whom there is actual evidence of crimes should be tried either in military or

federal courts. Mounting an effective prosecution may be hard, since these prisoners were held for years without charges and some were tortured. But it is up to the administration's lawyers — who helped Mr. Bush create the problem by allowing indefinite detention and torture to begin with — to deal with it.

Human rights groups say there are about 30 inmates who should be released but have legitimate fear of persecution or torture if sent home. The administration reportedly has already sent back some vulnerable prisoners, after obtaining what it must know are worthless assurances of their safety. Congress should require notice of such transfers, real guarantees of protection for released prisoners, and a review of the deal by outside judicial authority.

That leaves around 265 prisoners who have been held for years in violation of American and international law because Mr. Bush decided they were illegal enemy combatants — even though most were captured while fighting the invasion of Afghanistan. Under pressure from the courts, the administration created Combatant Status Review Tribunals to rubber-stamp that designation. These tribunals must be disbanded and their rulings reviewed by courts. Inmates who are not security risks should be released, and the others held under normal articles of war.

President Bush, of course, wants Congress to simply endorse his arrogation of power. The Times reported recently that the White House is seeking support for legislation that would permit the long-term detention of foreigners on American soil without charges or appeal, just on Mr. Bush's say-so. Defense Secretary Robert Gates said "the biggest challenge is finding a statutory basis for holding prisoners who should never be released and who may or may not be able to be put on trial."

Challenge? The very idea is anathema to American democracy. Congress did harm enough by tolerating Mr. Bush's lawless detainee policies, and then by passing the Military Commissions Act. Giving the president a dictator's power to select people for detention without charges on American soil would be an utter betrayal of their oath to support and defend the Constitution, and of the founders' vision of America.

Monday, July 16, 2007

WASHINGTON POST

White House Would Have Its Political Wing, Officially or Not

By Michael A. Fletcher
Monday, July 16, 2007; A13

Saturday, July 21, 2007

WASHINGTON POST

Bush Approves New CIA Methods

Interrogations Of Detainees To Resume

By Karen DeYoung
Washington Post Staff Writer
Saturday, July 21, 2007; A01

President Bush set broad legal boundaries for the CIA's harsh interrogation of terrorism suspects yesterday, allowing the intelligence agency to resume a program that was suspended last year after criticism that it violated U.S. and international law.

In an executive order lacking any details about actual interrogation techniques, Bush said the CIA program will now comply with a Geneva Conventions prohibition against "outrages upon personal dignity, in particular humiliating and degrading treatment." His order, required by legislation signed in October, was delayed for months amid tense debate inside the administration.

"We can now focus on our vital work, confident that our mission and authorities are clearly defined," CIA Director Michael V. Hayden said in a statement to agency employees. Although human rights groups have alleged that CIA interrogators used torturous and illegal methods, Hayden said the program had gleaned "irreplaceable" information from terrorism detainees.

Two administration officials said that suspects now in U.S. custody could be moved immediately into the "enhanced interrogation" program and subjected to techniques that go beyond those allowed by the U.S. military.

Rights activists criticized Bush's order for failing to spell out which techniques are now approved or prohibited. It said instead that CIA interrogators cannot undertake prohibited acts such as torture and murder, and it barred religious denigration and humiliating or degrading treatment "so serious that any reasonable person, considering the circumstances, would deem" it "beyond the bounds of human decency." Detainees, it said, must be provided with "the basic necessities of life," including adequate food and water, clothing, essential medical care, and "protection from extremes of heat and cold."

"All the order really does is to have the president say, 'Everything in that other document that I'm not showing you is legal -- trust me,'" said Tom Malinowski of Human Rights Watch.

The CIA interrogation guidelines are contained in a classified document. A senior intelligence official, asked whether this list includes such widely criticized methods as

the simulated drowning known as "waterboarding," declined to discuss specifics but said "it would be very wrong to assume that the program of the past would move into the future unchanged."

CIA detainees have also alleged they were left naked in cells for prolonged periods, subjected to sensory and sleep deprivation and extreme heat and cold, and sexually taunted. A senior administration official briefing reporters yesterday said that any future use of "extremes of heat and cold" would be subject to a "reasonable interpretation . . . we're not talking about forcibly induced hypothermia."

Congressional reaction to the order was muted, as key lawmakers said they were only informed of its contents yesterday. Republican Sens. John McCain (Ariz.), Lindsey O. Graham (S.C.) and John W. Warner (Va.), who helped draft legislation last year requiring the executive order, issued a joint statement that they needed more information before making a judgment. They said the administration has not responded to the questions they asked during a recent briefing on the new order and the detainee program.

Sen. John D. Rockefeller IV (D-W.Va.), chairman of the Senate intelligence committee, said it was unclear what the order "really means and how it will translate into actual conduct by the CIA." In a statement, Rockefeller repeated a committee demand made last spring that the White House turn over a copy of the Justice Department's legal analysis of the new guidelines.

Similar demands for internal documents related to the Bush administration's warrantless surveillance program have been rebuffed by the White House.

The steps leading to yesterday's order began with Bush's determination in January 2002 that members of al-Qaeda and the Taliban, as well as other allegedly terrorist captives, were "enemy combatants" rather than prisoners of war covered by the 1949 Geneva Conventions.

Criticism of the U.S. military's treatment of detainees -- first in Afghanistan and at the military prison at Guantanamo Bay, Cuba, and later at the Abu Ghraib prison in Iraq -- eventually provoked the Pentagon to rewrite its interrogation guidebook and explicitly ban many of the techniques endorsed and used by the CIA. But a new law enforced those limits only for detainees in military custody.

Criticism of the CIA began with revelations in late 2005 that the agency had imprisoned and interrogated "high-value" suspects in secret prisons in third countries. But after the Supreme Court ruled last summer, in *Hamdan v. Rumsfeld*, that all U.S. prisoners -- of any nationality, being held in any country -- were covered by Geneva protections against degrading treatment, Bush publicly confirmed the existence of the CIA prisons and announced that 14 remaining CIA prisoners had been transferred to military custody at Guantanamo.

Bush maintained the CIA interrogation program had always been legal, but the White House said the Geneva provision, Common Article 3, was vague and undefined. After the CIA suspended its "enhanced interrogations" to ensure its officers could not be charged with crimes, Congress ordered the administration to ensure, via executive order, that any further such interrogations complied with both domestic and international law.

Bush's statement said the techniques could be used against any "alien detainee" determined by the CIA director to be a member or supporter of al-Qaeda, the Taliban or associated organizations likely to have information about attacks against the United States or its allies.

Over the past several months, the secret list of CIA techniques has been the subject of interagency debate at the highest levels, with the State Department anxious to avoid offending allied governments, and the Department of Defense concerned that any CIA excesses could cause U.S. soldiers captured in the future to be subject to abuses.

The intelligence official said the agency itself had studied the effectiveness of past techniques and retained or jettisoned them on a "sliding scale." The criteria, he said, were what was "appropriate, effective, lawful and sustainable." While Hayden did not get "everything [he] might have wanted" in the guidelines, the official said, they contained everything the CIA needed and "more than was asked for."

To help allay concerns, new safeguards were added, the official said. Every use of an "enhanced" technique must be personally approved by Hayden in every instance, he said. "There will be no lone wolves, interrogations will always be conducted by a team, and anybody on the team can knock it off at any time."

A senior administration official said that the new rules do not require that the International Committee of the Red Cross have access to CIA prisoners. Many other nations interpret international treaties as requiring such access for all detainees everywhere.

Staff writer Josh White contributed to this report.

WASHINGTON POST

Fight Over Documents May Favor Bush, Experts Say

Contempt Charge Precedents Cited in Firings Case

By Dan Eggen and Amy Goldstein
Washington Post Staff Writers
Saturday, July 21, 2007; A03

The Bush administration's vow this week to block contempt charges from Congress could prove to be a successful strategy for protecting White House documents about the

In May, a known al-Qaeda official said in an Arab television interview that Hadi had been sent to Iraq by bin Laden more than a year earlier, when Zarqawi was still alive. At the time, intercepted communications between bin Laden deputy Ayman al-Zawahiri and Zarqawi indicated al-Qaeda unhappiness with the Iraqi organization and its inability to control Zarqawi.

Bush also added that another terrorist leader recently captured in Iraq, whom he identified only as Mashhadani, had told U.S. interrogators that the Iraqi organization there went to "extraordinary lengths to promote the fiction" that it was not run by foreigners tied to the central al-Qaeda network. Khalid al-Mashhadani's capture was announced in a news conference last week by U.S. forces in Baghdad.

Staff writers Walter Pincus and Karen DeYoung contributed to this report from Washington.

WASHINGTON POST

EDITORIAL:

A Return to Abuse

President Bush authorizes secret -- and harsh -- interrogation methods for the CIA.

Wednesday, July 25, 2007; A14

✱ FOR MOST of the past two years, a CIA interrogation program that once subjected foreign detainees to abuses that most of the world regards as torture has been inactive. During much of that time, al-Qaeda militants have been held in secret CIA prisons, but the agency stopped using techniques such as simulated drowning, sleep deprivation and painful stress positions because of congressional legislation banning "cruel, inhuman and degrading" treatment and a subsequent Supreme Court decision applying certain protections of the Geneva Conventions to all detainees.

Last week, after a prolonged debate among his advisers, President Bush issued an executive order that nominally reaffirms that CIA detainees will be covered by Geneva's Common Article 3 and thus be protected from torture or "humiliating and degrading" treatment. But the result may be the return by the CIA to methods that most people, including most of the world's democracies, regard as improper and illegal under international law -- and to a new threat to Americans captured by hostile governments.

The turnabout comes because of Mr. Bush's success in winning Congress's election-eve approval last year of legislation governing the detention and trial of prisoners at Guantanamo Bay and elsewhere abroad. The bill gave the president the authority to determine how the United States will interpret the Geneva protections. The Defense Department -- where most uniformed officers have long opposed the Bush administration's "enhanced" interrogation techniques -- had already adopted and made

public a code of conduct for military interrogators that has won praise from human rights advocates, in part because it expressly bans a number of abusive practices.

Mr. Bush's order authorizes the CIA to adopt a separate and secret set of methods. In theory, the agency's methods will also conform to Geneva; in practice, administration lawyers, who have used loopholes and far-fetched reasoning to justify torture in the past, will have the leeway to justify abuses again. While Mr. Bush's order outlaws sexual humiliation and denigration of religion, and administration officials privately say simulated drowning, or "waterboarding," is now out of bounds, the presidential order is silent about sleep deprivation, stress positions and other methods used by the CIA in the past.

Administration officials argue -- without offering evidence -- that harsh methods are needed to gain intelligence from hardened al-Qaeda operatives. In fact, studies of interrogations and the military's experience show the opposite -- that torture does not produce reliable information. Officials also claim that the CIA's methods, unlike the Army's interrogation manual, must be kept secret so that detainees will not know what they might face. Yet any abusive technique that U.S. interrogators use is likely to become publicly known, as was the case with waterboarding. When that happens, hostile governments will acquire a valuable weapon: cruel treatment they will be able to use on captured Americans, treatment that they will claim conforms to the Geneva Conventions -- on the authority of Mr. Bush.

WASHINGTON POST

EDITORIAL:

Credibility Collapse

Once again, Alberto Gonzales is unable to offer straight answers to simple questions.

Wednesday, July 25, 2007; A14

"I don't trust you."

"What credibility is left for you?"

SOMETHING IS terribly, terribly wrong when the attorney general of the United States is called to testify under oath before Congress and much of the hearing revolves around his credibility -- or lack thereof. But such was the case yet again during an appearance yesterday by Alberto R. Gonzales before the Senate Judiciary Committee.

The comments quoted above from Chairman Patrick J. Leahy (D-Vt.) and ranking Republican Arlen Specter (Pa.) reflect the frustration we have come to know all too well when Mr. Gonzales is asked to provide answers to legitimate questions, whether the subject is surveillance programs, interrogation methods for foreign prisoners, the firing of U.S. attorneys -- or even last-minute missions to hospital rooms.

was asked by one committee about claims that even career prosecutors, who are supposed to be chosen without regard for political affiliations, were subject to partisan litmus tests. If that was going on, he replied, it "deprives the department of its lifeblood, which is the ability to stand up and have juries of all stripes believe what you say, and have sheriffs and judges and jailers -- the people we deal with -- trust the Department of Justice."

Comey is the sort of person who could help rebuild the department's ethos as well as its reputation, but his unwillingness to automatically defend the administration has alienated the White House. Independence, however, is a trait desperately needed in the next attorney general.

When Gonzales was named to succeed Ashcroft in 2004, this page said it would "be his task to restore the trust and prestige of an office that his predecessor did so much to injure." Instead, Gonzales damaged it further.

The president ought to have learned from this experience. When he chooses a new attorney general, it should be someone who commands respect across party lines for ability, integrity, a level head and devotion to the good of the country. It's his third chance.

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LOS ANGELES TIMES

Gonzales' legacy of controversy

Questions linger about limits on civil liberties and influence of politics on justice.

By Josh Meyer and Tom Hamburger
Los Angeles Times Staff Writers

August 28, 2007

WASHINGTON — As Alberto R. Gonzales closes the door on his Washington career, he leaves an enduring legacy: a Justice Department mired in controversy over the firing of U.S. attorneys and a series of legal and moral challenges to his post-Sept. 11 policies on presidential power, torture and domestic spying.

"This resignation is not the end of the story," Senate Majority Leader Harry Reid (D-Nev.) said Monday in a statement that indicated Democrats' intent to continue probing Gonzales' tenure. "Congress must get to the bottom of this mess and follow the facts where they lead, into the White House."

The controversies lingering beyond Gonzales' scheduled departure next month fall into two broad categories: whether he went too far in abridging civil liberties in the name of safeguarding the nation against terrorist threats, and whether he and his subordinates

allowed political considerations to intrude improperly on the administration of justice.

During his service as White House counsel from 2001 to 2005, Gonzales wrote a memo saying that anti-torture laws and the Geneva Convention could be waived for some prisoners. He approved or oversaw the drafting of rules for military tribunals that limited the rights of detainees, and he pushed for expanded government power to engage in domestic spying. Then came the firing of nine U.S. attorneys in 2006.

Gonzales' actions reflected his loyalty to George W. Bush and Vice President Dick Cheney but drew heated criticism from others -- including Congress and, in the case of military tribunals, the Supreme Court.

History will render final judgment on the controversies in Gonzales' wake, but even some Republicans agree that the Justice Department's morale and credibility have been damaged as it faces mounting challenges.

Defense lawyers around the country are contesting indictments based on alleged politicization of the department. The administration's treatment of detainees in its war on terrorism is under attack in federal courts. And several senior department officials have left or have announced their intention to depart, including the chief of the civil rights division, whose record also has drawn fire from Democrats.

A Gonzales defender, Viet D. Dinh -- who served as assistant attorney general from 2001 to 2003 and was the architect of the Patriot Act -- said Monday that Gonzales' accomplishments were obscured by a personal style that often clashed with Capitol Hill.

"It's ironic. But you look back at his record, he's actually done a pretty damn good job," said Dinh, who credited Gonzales with establishing the department's national security division, creating the Project Child Safe anti-exploitation initiative and pioneering new techniques for prosecuting terrorism suspects.

"All of these show very strong leadership and substantive achievements," Dinh said. "The problem is that his inability to cut through the political process really shortchanged the department's accomplishments and made him unable to do his job."

Of all the battles that swirled around Gonzales, the most far-reaching may prove to be his role in asserting broad new claims of executive power in connection with the war on terrorism.

★ He approved or supported White House policies on the secret detention of terrorism suspects; the practice of "extraordinary rendition," under which prisoners were transferred to countries known to engage in torture; and the use of the military system to hold detainees indefinitely without access to due process under U.S. law.

Gonzales signed off on CIA interrogation techniques such as "water-boarding" -- a technique in which a prisoner is strapped to a board and doused with water to simulate

the sensation of drowning -- that the United States long had considered torture.

His department refused to rule out the use of controversial methods that included subjecting prisoners to temperature extremes and sleep deprivation.

The administration defended these and other related policies on the grounds that, as "enemy combatants," detainees were not subject to the rules governing prisoners of war or persons held in the regular criminal justice system.

In a Jan. 25, 2002, memorandum to Bush, as White House counsel, Gonzales said the "new paradigm" of the war on terrorism renders obsolete the Geneva Convention's "strict limitations on questioning of enemy prisoners, and renders quaint some of its provisions."

That memo drew strong and immediate objections from then-Secretary of State Colin L. Powell, who said it would "reverse over a century of U.S. policy and practice." But Gonzales' view became administration policy.

Gonzales also opposed efforts by other Bush administration officials to close the U.S. military's detention center for suspected terrorists at Guantanamo Bay, Cuba.

In the area of domestic spying, Gonzales and his Justice Department subordinates approved secret eavesdropping and other forms of spying by the National Security Agency, FBI and Treasury Department that skirted some traditional checks and balances.

"The central legal and policy issue facing us today is, When . . . should the government be allowed to conduct large numbers of national security wiretaps for long periods of time without prior findings of probable cause by judges?" said David Kris, a former senior Justice Department lawyer in the Bush and Clinton administrations who recently co-wrote "National Security Investigations and Prosecutions," a book on surveillance law.

The department and the Bush administration have suffered serious legal setbacks, including two Supreme Court rulings rejecting their policies at Guantanamo Bay.

Many of the arguments about Gonzales-led policies are just now coming to a head in courtrooms, in the halls of Congress and on the pages of law journals. They are not likely to be resolved soon.

Gonzales' efforts to push the boundaries on behalf of administration security priorities were captured memorably in the Senate testimony of former Deputy Atty. Gen. James B. Comey, who described how Gonzales approached then-Atty. Gen. John Ashcroft in the hospital a day after Ashcroft had gallbladder surgery in March 2004. Comey was acting as attorney general while Ashcroft recuperated.

According to Comey, Gonzales lobbied the seriously ill Ashcroft to reauthorize a domestic wiretap program that granted the government broad authority to monitor the

electronic communications of people in the United States.

The effort failed when Comey raced to Ashcroft's bedside, at the urging of Ashcroft's wife. Ashcroft told Gonzales that Comey was in charge. Gonzales denied pressuring Ashcroft.

Although Ashcroft and Comey refused to support the program, it was certified anyway, prompting both of them to threaten to resign, along with FBI Director Robert S. Mueller III and other officials. Bush agreed to restructure the program.

Gonzales was criticized for providing evasive testimony to Congress about that incident, and about the surveillance program in general.

Comey, during his testimony, offered praise for most of the nine U.S. attorneys the department had fired under Gonzales.

As lawmakers investigated the firings and Gonzales' role, the attorney general lost support from nearly all congressional Democrats and an increasing number of Republicans.

In June, 53 members of the Senate voted for an expression of "no confidence" in the attorney general.

Seven Republicans joined Democrats in supporting the nonbinding resolution, which never came to a final vote.

Two of the prosecutors have said they believe they may have been terminated because they did not investigate allegations that would have been helpful to GOP electoral goals.

Speaking to reporters Monday about Gonzales' resignation, Bush said it was sad that the attorney general had had his "good name dragged through the mud for political purposes" during the hearings on his tenure.

Democrats had led the charge against Gonzales and rushed to the cameras to herald his resignation.

But numerous Republicans had called for him to leave as well, including Sens. John E. Sununu of New Hampshire and Norm Coleman of Minnesota, both of whom are to run for reelection next year.

Republican Sen. Arlen Specter of Pennsylvania, ranking member of the Judiciary Committee, had harshly questioned Gonzales' judgment and described his continued presence at the Justice Department as "very, very damaging."

Specter told reporters Monday that he would not criticize the attorney general.

But he added that he hoped the department would "regain functionality."

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LOS ANGELES TIMES

For Bush, an opportunity in a loss

Gonzales' departure may give Bush a shot at reviving his presidency because his Texas inner circle is gone, analysts say.

By Maura Reynolds and James Gerstenzang
Los Angeles Times Staff Writers

August 28, 2007

WASHINGTON — Alberto R. Gonzales' departure may turn out to be a blessing for President Bush. However, that was not obvious from Bush's demeanor on a sun-baked Texas tarmac Monday morning as **he announced that he had "reluctantly" accepted** Gonzales' resignation as attorney general. His expression was fierce and his words were sharp:

"It's sad that we live in a time when a talented and honorable person like Alberto Gonzales is impeded from doing important work because his good name was dragged through the mud for political reasons," the president said.

There's little question that Bush was sad to see him go. The president brought Gonzales into public life when Bush was elected governor of Texas, and Gonzales had served him in various posts for more than 12 years. Bush was deeply invested in Gonzales' career, and the two were personal friends.

Moreover, Gonzales' departure means that virtually all of the Texas inner circle that followed Bush to Washington is gone.

"The Texas mafia is leaving," said Ron Kaufman, a longtime political advisor to the Bush family. "There's a shift in the philosophies of the appointees you have [around the president]. They are much more creatures of Washington, D.C., and not Austin, Texas."

But therein may lie an opportunity for Bush. In two weeks, the president has accepted the resignations of the two members of his staff who have drawn the most ire from the Democrats who now control Congress: Gonzales and political advisor Karl Rove. And that may give Bush a chance to salvage his relationship with Capitol Hill and the legacy

The White House declined again to assess the testimony from Petraeus and Crocker, deferring to Bush's speech. White House spokesman Tony Snow did praise "what appears to be trend lines that are pointing to success."

"Now it seems to me if you've got something that is succeeding, you want more of it," he said.

Thursday, September 13, 2007

WASHINGTON POST

Senate Intelligence Panel Seeks CIA Nominee's Withdrawal

By Joby Warrick
Washington Post Staff Writer
Thursday, September 13, 2007; A11

Members of the Senate intelligence committee have requested the withdrawal of the Bush administration's choice for CIA general counsel, acknowledging that John Rizzo's nomination has stalled because of concerns about his views on the treatment of terrorism suspects.

The decision followed a private meeting this week in which committee leaders concluded that the troubled nomination could not overcome opposition among Democratic members. It comes less than a month after a key member, Sen. Ron Wyden (D-Ore.), announced his intention to block the nomination indefinitely.

Rizzo, a career CIA lawyer, has drawn fire from Democrats and human rights groups because of his support for Bush administration legal doctrines permitting "enhanced interrogation" of terrorism detainees in CIA custody.

Two U.S. officials familiar with the committee's decision said the request for Rizzo's withdrawal has been conveyed to Gen. Michael Hayden, the CIA's director. The officials, who insisted on anonymity because of the sensitive nature of the committee's discussions, said lawmakers had hoped to avoid the formality of a negative vote on Rizzo's nomination out of respect for his long service at the intelligence agency. Rizzo has served with the CIA since 1976 and acted as interim general counsel from 2001 to 2002 and from August 2004 to the present.

CIA officials declined comment on whether a formal request had been received, but a spokesman said Hayden continues to support Rizzo's nomination. "Director Hayden believes Mr. Rizzo is a fine lawyer and is well-qualified for the post," agency spokesman Mark Mansfield said. "This has been, and continues to be, his view."

The White House also signaled its continued support for Rizzo. "We continue to support Mr. Rizzo's nomination and believe he is well-qualified to serve in this important position," spokeswoman Emily Lawrimore said.

Wyden declined yesterday to discuss the status of Rizzo's nomination but said he remains strongly opposed to it. "It is clearly not in the interest of the country and not in the interest of the many hardworking professionals at the CIA," Wyden said in a phone interview. He said Rizzo's views on interrogation are "light-years from what we need."

During his confirmation hearing in June, Rizzo testified that he did not object to an administration memo in 2002 that deemed legal some extremely harsh interrogation techniques for CIA detainees. According to the memo, a technique was not considered to be torture unless it inflicted pain "equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of body function, or even death." Rizzo testified that the legal opinion "on the whole was a reasonable one."

Rizzo also said the CIA does not condone torture, and stressed that the agency's actions must remain "in full compliance with the Constitution, U.S. law and U.S. obligations under international treaties."

* Rizzo's positions and his support for harsh interrogations conducted by the CIA at secret prisons have made him a target of human rights and civil liberties groups. On Tuesday, a coalition of organizations issued a statement urging the Senate to reject Rizzo's nomination. "When Mr. Rizzo failed to object to legal arguments that defended torture, he failed to protect his clients -- the president, his CIA colleagues and the American people," said the statement signed by Human Rights Watch, Physicians for Human Rights and three other groups.

Researcher Julie Tate contributed to this report.

NEW YORK TIMES

September 13, 2007

Intelligence Chief Admits Error

By THE ASSOCIATED PRESS

Page A8

WASHINGTON, Sept. 12 (AP) — Mike McConnell, the director of national intelligence, on Wednesday recanted his claim that the new surveillance powers recently given to the government helped foil a terrorist plot in Germany.

"Information contributing to the recent arrests was not collected under authorities provided by the Protect America Act," Mr. McConnell said in a statement issued late in the day.

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In April, Grassley and Hatch decided to pursue a separate deal with Democrats, and it was too late for the White House to realize its ambitions. "Even if I got run over by a bus, it would be a non-starter," Wyden said. "Senators Grassley and Hatch had moved on."

Then, in August, the Bush administration changed the rules on the existing SCHIP system to make it far more difficult for states to expand eligibility. The administration said that the new rules were meant to more sharply focus the program on the uninsured children of the working poor. But Democrats -- and some Republicans -- saw such an important decision being made in the middle of legislative deliberations as punitive and provocative.

"The new SCHIP rules just sent a cannonball into the crowd that was working on this," said Sen. Edward M. Kennedy (D-Mass.).

At the same time, House Democrats decided to defuse Bush's new effort to draw a line on fiscal issues by making sure that the first bill he vetoed this fall was one on children's health care instead of one of the spending bills he has threatened to block. "They saw it coming, but they never altered their game plan," said Rep. Rahm Emanuel (D-Ill.).

White House aides offered no apologies for their negotiating tactics. "None of us were embarrassed" by the effort to pursue a broader health agenda, said Hubbard, director of the National Economic Council at the White House. He said the reauthorization of SCHIP is an opportunity not only to help poor children but also to expand access to health care for other Americans.

Leavitt said he was surprised "that the Democrats in Congress, who have for years pursued national health insurance, rejected an invitation of a Republican president to advance the cause of every American having insurance."

Staff writer Michael A. Fletcher in Lancaster, Pa., contributed to this report.

NEW YORK TIMES

October 4, 2007

★ Secret U.S. Endorsement of Severe Interrogations

By SCOTT SHANE, DAVID JOHNSTON and JAMES RISEN

Page 1

WASHINGTON, Oct. 3 — When the Justice Department publicly declared torture "abhorrent" in a legal opinion in December 2004, the Bush administration appeared to have abandoned its assertion of nearly unlimited presidential authority to order brutal interrogations.

But soon after Alberto R. Gonzales's arrival as attorney general in February 2005, the Justice Department issued another opinion, this one in secret. It was a very different document, according to officials briefed on it, an expansive endorsement of the harshest interrogation techniques ever used by the Central Intelligence Agency.

The new opinion, the officials said, for the first time provided explicit authorization to barrage terror suspects with a combination of painful physical and psychological tactics, including head-slapping, simulated drowning and frigid temperatures.

Mr. Gonzales approved the legal memorandum on "combined effects" over the objections of James B. Comey, the deputy attorney general, who was leaving his job after bruising clashes with the White House. Disagreeing with what he viewed as the opinion's overreaching legal reasoning, Mr. Comey told colleagues at the department that they would all be "ashamed" when the world eventually learned of it.

Later that year, as Congress moved toward outlawing "cruel, inhuman and degrading" treatment, the Justice Department issued another secret opinion, one most lawmakers did not know existed, current and former officials said. The Justice Department document declared that none of the C.I.A. interrogation methods violated that standard.

The classified opinions, never previously disclosed, are a hidden legacy of President Bush's second term and Mr. Gonzales's tenure at the Justice Department, where he moved quickly to align it with the White House after a 2004 rebellion by staff lawyers that had thrown policies on surveillance and detention into turmoil.

Congress and the Supreme Court have intervened repeatedly in the last two years to impose limits on interrogations, and the administration has responded as a policy matter by dropping the most extreme techniques. But the 2005 Justice Department opinions remain in effect, and their legal conclusions have been confirmed by several more recent memorandums, officials said. They show how the White House has succeeded in preserving the broadest possible legal latitude for harsh tactics.

A White House spokesman, Tony Fratto, said Wednesday that he would not comment on any legal opinion related to interrogations. Mr. Fratto added, "We have gone to great lengths, including statutory efforts and the recent executive order, to make it clear that the intelligence community and our practices fall within U.S. law" and international agreements.

More than two dozen current and former officials involved in counterterrorism were interviewed over the past three months about the opinions and the deliberations on interrogation policy. Most officials would speak only on the condition of anonymity because of the secrecy of the documents and the C.I.A. detention operations they govern.

When he stepped down as attorney general in September after widespread criticism of the firing of federal prosecutors and withering attacks on his credibility, Mr. Gonzales talked proudly in a farewell speech of how his department was "a place of inspiration" that had

balanced the necessary flexibility to conduct the war on terrorism with the need to uphold the law.

Associates at the Justice Department said Mr. Gonzales seldom resisted pressure from Vice President Dick Cheney and David S. Addington, Mr. Cheney's counsel, to endorse policies that they saw as effective in safeguarding Americans, even though the practices brought the condemnation of other governments, human rights groups and Democrats in Congress. Critics say Mr. Gonzales turned his agency into an arm of the Bush White House, undermining the department's independence.

The interrogation opinions were signed by Steven G. Bradbury, who since 2005 has headed the elite Office of Legal Counsel at the Justice Department. He has become a frequent public defender of the National Security Agency's domestic surveillance program and detention policies at Congressional hearings and press briefings, a role that some legal scholars say is at odds with the office's tradition of avoiding political advocacy.

Mr. Bradbury defended the work of his office as the government's most authoritative interpreter of the law. "In my experience, the White House has not told me how an opinion should come out," he said in an interview. "The White House has accepted and respected our opinions, even when they didn't like the advice being given."

The debate over how terrorism suspects should be held and questioned began shortly after the Sept. 11, 2001, attacks, when the Bush administration adopted secret detention and coercive interrogation, both practices the United States had previously denounced when used by other countries. It adopted the new measures without public debate or Congressional vote, choosing to rely instead on the confidential legal advice of a handful of appointees.

The policies set off bruising internal battles, pitting administration moderates against hard-liners, military lawyers against Pentagon chiefs and, most surprising, a handful of conservative lawyers at the Justice Department against the White House in the stunning mutiny of 2004. But under Mr. Gonzales and Mr. Bradbury, the Justice Department was wrenched back into line with the White House.

After the Supreme Court ruled in 2006 that the Geneva Conventions applied to prisoners who belonged to Al Qaeda, President Bush for the first time acknowledged the C.I.A.'s secret jails and ordered their inmates moved to Guantánamo Bay, Cuba. The C.I.A. halted its use of waterboarding, or pouring water over a bound prisoner's cloth-covered face to induce fear of suffocation.

But in July, after a monthlong debate inside the administration, President Bush signed a new executive order authorizing the use of what the administration calls "enhanced" interrogation techniques — the details remain secret — and officials say the C.I.A. again is holding prisoners in "black sites" overseas. The executive order was reviewed and approved by Mr. Bradbury and the Office of Legal Counsel.

Douglas W. Kmiec, who headed that office under President Ronald Reagan and the first President George Bush and wrote a book about it, said he believed the intense pressures of the campaign against terrorism have warped the office's proper role.

"The office was designed to insulate against any need to be an advocate," said Mr. Kmiec, now a conservative scholar at Pepperdine University law school. But at times in recent years, Mr. Kmiec said, the office, headed by William H. Rehnquist and Antonin Scalia before they served on the Supreme Court, "lost its ability to say no."

"The approach changed dramatically with opinions on the war on terror," Mr. Kmiec said. "The office became an advocate for the president's policies."

From the secret sites in Afghanistan, Thailand and Eastern Europe where C.I.A. teams held Qaeda terrorists, questions for the lawyers at C.I.A. headquarters arrived daily. Nervous interrogators wanted to know: Are we breaking the laws against torture?

The Bush administration had entered uncharted legal territory beginning in 2002, holding prisoners outside the scrutiny of the International Red Cross and subjecting them to harrowing pressure tactics. They included slaps to the head; hours held naked in a frigid cell; days and nights without sleep while battered by thundering rock music; long periods manacled in stress positions; or the ultimate, waterboarding.

Never in history had the United States authorized such tactics. While President Bush and C.I.A. officials would later insist that the harsh measures produced crucial intelligence, many veteran interrogators, psychologists and other experts say that less coercive methods are equally or more effective.

With virtually no experience in interrogations, the C.I.A. had constructed its program in a few harried months by consulting Egyptian and Saudi intelligence officials and copying Soviet interrogation methods long used in training American servicemen to withstand capture. The agency officers questioning prisoners constantly sought advice from lawyers thousands of miles away.

"We were getting asked about combinations — 'Can we do this and this at the same time?'" recalled Paul C. Kelbaugh, a veteran intelligence lawyer who was deputy legal counsel at the C.I.A.'s Counterterrorist Center from 2001 to 2003.

Interrogators were worried that even approved techniques had such a painful, multiplying effect when combined that they might cross the legal line, Mr. Kelbaugh said. He recalled agency officers asking: "These approved techniques, say, withholding food, and 50-degree temperature — can they be combined?" Or "Do I have to do the less extreme before the more extreme?"

The questions came more frequently, Mr. Kelbaugh said, as word spread about a C.I.A. inspector general inquiry unrelated to the war on terrorism. Some veteran C.I.A. officers came under scrutiny because they were advisers to Peruvian officers who in early 2001

shot down a missionary flight they had mistaken for a drug-running aircraft. The Americans were not charged with crimes, but they endured three years of investigation, saw their careers derailed and ran up big legal bills.

That experience shook the Qaeda interrogation team, Mr. Kelbaugh said. "You think you're making a difference and maybe saving 3,000 American lives from the next attack. And someone tells you, 'Well, that guidance was a little vague, and the inspector general wants to talk to you,'" he recalled. "We couldn't tell them, 'Do the best you can,' because the people who did the best they could in Peru were looking at a grand jury."

Mr. Kelbaugh said the questions were sometimes close calls that required consultation with the Justice Department. But in August 2002, the department provided a sweeping legal justification for even the harshest tactics.

That opinion, which would become infamous as "the torture memo" after it was leaked, was written largely by John Yoo, a young Berkeley law professor serving in the Office of Legal Counsel. His broad views of presidential power were shared by Mr. Addington, the vice president's adviser. Their close alliance provoked John Ashcroft, then the attorney general, to refer privately to Mr. Yoo as Dr. Yes for his seeming eagerness to give the White House whatever legal justifications it desired, a Justice Department official recalled.

Mr. Yoo's memorandum said no interrogation practices were illegal unless they produced pain equivalent to organ failure or "even death." A second memo produced at the same time spelled out the approved practices and how often or how long they could be used.

Despite that guidance, in March 2003, when the C.I.A. caught Khalid Sheikh Mohammed, the chief planner of the Sept. 11 attacks, interrogators were again haunted by uncertainty. Former intelligence officials, for the first time, disclosed that a variety of tough interrogation tactics were used about 100 times over two weeks on Mr. Mohammed. Agency officials then ordered a halt, fearing the combined assault might have amounted to illegal torture. A C.I.A. spokesman, George Little, declined to discuss the handling of Mr. Mohammed. Mr. Little said the program "has been conducted lawfully, with great care and close review" and "has helped our country disrupt terrorist plots and save innocent lives."

"The agency has always sought a clear legal framework, conducting the program in strict accord with U.S. law, and protecting the officers who go face-to-face with ruthless terrorists," Mr. Little added.

Some intelligence officers say that many of Mr. Mohammed's statements proved exaggerated or false. One problem, a former senior agency official said, was that the C.I.A.'s initial interrogators were not experts on Mr. Mohammed's background or Al Qaeda, and it took about a month to get such an expert to the secret prison. The former official said many C.I.A. professionals now believe patient, repeated questioning by well-informed experts is more effective than harsh physical pressure.

Other intelligence officers, including Mr. Kelbaugh, insist that the harsh treatment produced invaluable insights into Al Qaeda's structure and plans.

"We leaned in pretty hard on K.S.M.," Mr. Kelbaugh said, referring to Mr. Mohammed. "We were getting good information, and then they were told: 'Slow it down. It may not be correct. Wait for some legal clarification.'"

The doubts at the C.I.A. proved prophetic. In late 2003, after Mr. Yoo left the Justice Department, the new head of the Office of Legal Counsel, Jack Goldsmith, began reviewing his work, which he found deeply flawed. Mr. Goldsmith infuriated White House officials, first by rejecting part of the National Security Agency's surveillance program, prompting the threat of mass resignations by top Justice Department officials, including Mr. Ashcroft and Mr. Comey, and a showdown at the attorney general's hospital bedside.

Then, in June 2004, Mr. Goldsmith formally withdrew the August 2002 Yoo memorandum on interrogation, which he found overreaching and poorly reasoned. Mr. Goldsmith left the Justice Department soon afterward. He first spoke at length about his dissenting views to The New York Times last month, and testified before the Senate Judiciary Committee on Tuesday.

Six months later, the Justice Department quietly posted on its Web site a new legal opinion that appeared to end any flirtation with torture, starting with its clarionlike opening: "Torture is abhorrent both to American law and values and to international norms."

A single footnote — added to reassure the C.I.A. — suggested that the Justice Department was not declaring the agency's previous actions illegal. But the opinion was unmistakably a retreat. Some White House officials had opposed publicizing the document, but acquiesced to Justice Department officials who argued that doing so would help clear the way for Mr. Gonzales's confirmation as attorney general.

If President Bush wanted to make sure the Justice Department did not rebel again, Mr. Gonzales was the ideal choice. As White House counsel, he had been a fierce protector of the president's prerogatives. Deeply loyal to Mr. Bush for championing his career from their days in Texas, Mr. Gonzales would sometimes tell colleagues that he had just one regret about becoming attorney general: He did not see nearly as much of the president as he had in his previous post.

Among his first tasks at the Justice Department was to find a trusted chief for the Office of Legal Counsel. First he informed Daniel Levin, the acting head who had backed Mr. Goldsmith's dissents and signed the new opinion renouncing torture, that he would not get the job. He encouraged Mr. Levin to take a position at the National Security Council, in effect sidelining him.

Mr. Bradbury soon emerged as the presumed favorite. But White House officials, still smarting from Mr. Goldsmith's rebuffs, chose to delay his nomination. Harriet E. Miers, the new White House counsel, "decided to watch Bradbury for a month or two. He was sort of on trial," one Justice Department official recalled.

Mr. Bradbury's biography had a Horatio Alger element that appealed to a succession of bosses, including Justice Clarence Thomas of the Supreme Court and Mr. Gonzales, the son of poor immigrants. Mr. Bradbury's father had died when he was an infant, and his mother took in laundry to support her children. The first in his family to go to college, he attended Stanford and the University of Michigan Law School. He joined the law firm of Kirkland & Ellis, where he came under the tutelage of Kenneth W. Starr, the Whitewater independent prosecutor.

Mr. Bradbury belonged to the same circle as his predecessors: young, conservative lawyers with sterling credentials, often with clerkships for prominent conservative judges and ties to the Federalist Society, a powerhouse of the legal right. Mr. Yoo, in fact, had proposed his old friend Mr. Goldsmith for the Office of Legal Counsel job; Mr. Goldsmith had hired Mr. Bradbury as his top deputy.

"We all grew up together," said Viet D. Dinh, an assistant attorney general from 2001 to 2003 and very much a member of the club. "You start with a small universe of Supreme Court clerks, and you narrow it down from there."

But what might have been subtle differences in quieter times now cleaved them into warring camps.

Justice Department colleagues say Mr. Gonzales was soon meeting frequently with Mr. Bradbury on national security issues, a White House priority. Admirers describe Mr. Bradbury as low-key but highly skilled, a conciliator who brought from 10 years of corporate practice a more pragmatic approach to the job than Mr. Yoo and Mr. Goldsmith, both from the academic world.

"As a practicing lawyer, you know how to address real problems," said Noel J. Francisco, who worked at the Justice Department from 2003 to 2005. "At O.L.C., you're not writing law review articles and you're not theorizing. You're giving a client practical advice on a real problem."

As he had at the White House, Mr. Gonzales usually said little in meetings with other officials, often deferring to the hard-driving Mr. Addington. Mr. Bradbury also often appeared in accord with the vice president's lawyer.

Mr. Bradbury appeared to be "fundamentally sympathetic to what the White House and the C.I.A. wanted to do," recalled Philip Zelikow, a former top State Department official. At interagency meetings on detention and interrogation, Mr. Addington was at times "vituperative," said Mr. Zelikow, but Mr. Bradbury, while taking similar positions, was "professional and collegial."

While waiting to learn whether he would be nominated to head the Office of Legal Counsel, Mr. Bradbury was in an awkward position, knowing that a decision contrary to White House wishes could kill his chances.

Charles J. Cooper, who headed the Office of Legal Counsel under President Reagan, said he was "very troubled" at the notion of a probationary period.

"If the purpose of the delay was a tryout, I think they should have avoided it," Mr. Cooper said. "You're implying that the acting official is molding his or her legal analysis to win the job."

Mr. Bradbury said he made no such concessions. "No one ever suggested to me that my nomination depended on how I ruled on any opinion," he said. "Every opinion I've signed at the Office of Legal Counsel represents my best judgment of what the law requires."

Scott Horton, an attorney affiliated with Human Rights First who has closely followed the interrogation debate, said any official offering legal advice on the campaign against terror was on treacherous ground.

"For government lawyers, the national security issues they were deciding were like working with nuclear waste — extremely hazardous to their health," Mr. Horton said.

"If you give the administration what it wants, you'll lose credibility in the academic community," he said. "But if you hold back, you'll be vilified by conservatives and the administration."

In any case, the White House grew comfortable with Mr. Bradbury's approach. He helped block the appointment of a liberal Ivy League law professor to a career post in the Office of Legal Counsel. And he signed the opinion approving combined interrogation techniques.

Mr. Comey strongly objected and told associates that he advised Mr. Gonzales not to endorse the opinion. But the attorney general made clear that the White House was adamant about it, and that he would do nothing to resist.

Under Mr. Ashcroft, Mr. Comey's opposition might have killed the opinion. An imposing former prosecutor and self-described conservative who stands 6-foot-8, he was the rare administration official who was willing to confront Mr. Addington. At one testy 2004 White House meeting, when Mr. Comey stated that "no lawyer" would endorse Mr. Yoo's justification for the N.S.A. program, Mr. Addington demurred, saying he was a lawyer and found it convincing. Mr. Comey shot back: "No good lawyer," according to someone present.

But under Mr. Gonzales, and after the departure of Mr. Goldsmith and other allies, the deputy attorney general found himself isolated. His troublemaking on N.S.A. and on

interrogation, and in appointing his friend Patrick J. Fitzgerald as special prosecutor in the C.I.A. leak case, which would lead to the perjury conviction of I. Lewis Libby, Mr. Cheney's chief of staff, had irreparably offended the White House.

"On national security matters generally, there was a sense that Comey was a wimp and that Comey was disloyal," said one Justice Department official who heard the White House talk, expressed with particular force by Mr. Addington.

Mr. Comey provided some hints of his thinking about interrogation and related issues in a speech that spring. Speaking at the N.S.A.'s Fort Meade campus on Law Day — a noteworthy setting for the man who had helped lead the dissent a year earlier that forced some changes in the N.S.A. program — Mr. Comey spoke of the "agonizing collisions" of the law and the desire to protect Americans.

"We are likely to hear the words: 'If we don't do this, people will die,'" Mr. Comey said. But he argued that government lawyers must uphold the principles of their great institutions.

"It takes far more than a sharp legal mind to say 'no' when it matters most," he said. "It takes moral character. It takes an understanding that in the long run, intelligence under law is the only sustainable intelligence in this country."

Mr. Gonzales's aides were happy to see Mr. Comey depart in the summer of 2005. That June, President Bush nominated Mr. Bradbury to head the Office of Legal Counsel, which some colleagues viewed as a sign that he had passed a loyalty test.

Soon Mr. Bradbury applied his practical approach to a new challenge to the C.I.A.'s methods.

The administration had always asserted that the C.I.A.'s pressure tactics did not amount to torture, which is banned by federal law and international treaty. But officials had privately decided the agency did not have to comply with another provision in the Convention Against Torture — the prohibition on "cruel, inhuman, or degrading" treatment.

Now that loophole was about to be closed. First Senator Richard J. Durbin, Democrat of Illinois, and then Senator John McCain, the Arizona Republican who had been tortured as a prisoner in North Vietnam, proposed legislation to ban such treatment.

At the administration's request, Mr. Bradbury assessed whether the proposed legislation would outlaw any C.I.A. methods, a legal question that had never before been answered by the Justice Department.

At least a few administration officials argued that no reasonable interpretation of "cruel, inhuman or degrading" would permit the most extreme C.I.A. methods, like

waterboarding. Mr. Bradbury was placed in a tough spot, said Mr. Zelikow, the State Department counselor, who was working at the time to rein in interrogation policy.

“If Justice says some practices are in violation of the C.I.D. standard,” Mr. Zelikow said, referring to cruel, inhuman or degrading, “then they are now saying that officials broke current law.”

In the end, Mr. Bradbury’s opinion delivered what the White House wanted: a statement that the standard imposed by Mr. McCain’s Detainee Treatment Act would not force any change in the C.I.A.’s practices, according to officials familiar with the memo.

Relying on a Supreme Court finding that only conduct that “shocks the conscience” was unconstitutional, the opinion found that in some circumstances not even waterboarding was necessarily cruel, inhuman or degrading, if, for example, a suspect was believed to possess crucial intelligence about a planned terrorist attack, the officials familiar with the legal finding said.

In a frequent practice, Mr. Bush attached a statement to the new law when he signed it, declaring his authority to set aside the restrictions if they interfered with his constitutional powers. At the same time, though, the administration responded to pressure from Mr. McCain and other lawmakers by reviewing interrogation policy and giving up several C.I.A. techniques.

Since late 2005, Mr. Bradbury has become a linchpin of the administration’s defense of counterterrorism programs, helping to negotiate the Military Commissions Act last year and frequently testifying about the N.S.A. surveillance program. Once he answered questions about administration detention policies for an “Ask the White House” feature on a Web site.

Mr. Kmiec, the former Office of Legal Counsel head now at Pepperdine, called Mr. Bradbury’s public activities a departure for an office that traditionally has shunned any advocacy role.

A senior administration official called Mr. Bradbury’s active role in shaping legislation and speaking to Congress and the press “entirely appropriate” and consistent with past practice. The official, who spoke on the condition of anonymity, said Mr. Bradbury “has played a critical role in achieving greater transparency” on the legal basis for detention and surveillance programs.

Though President Bush repeatedly nominated Mr. Bradbury as the Office of Legal Counsel’s assistant attorney general, Democratic senators have blocked the nomination. Senator Durbin said the Justice Department would not turn over copies of his opinions or other evidence of Mr. Bradbury’s role in interrogation policy.

“There are fundamental questions about whether Mr. Bradbury approved interrogation methods that are clearly unacceptable,” Mr. Durbin said.

John D. Hutson, who served as the Navy's top lawyer from 1997 to 2000, said he believed that the existence of legal opinions justifying abusive treatment is pernicious, potentially blurring the rules for Americans handling prisoners.

"I know from the military that if you tell someone they can do a little of this for the country's good, some people will do a lot of it for the country's better," Mr. Hutson said. Like other military lawyers, he also fears that official American acceptance of such treatment could endanger Americans in the future.

"The problem is, once you've got a legal opinion that says such a technique is O.K., what happens when one of our people is captured and they do it to him? How do we protest then?" he asked.

LOS ANGELES TIMES

Bush says Iraq exit would bolster Iran

The president says that unless Tehran suspends its nuclear program, direct talks are unlikely to benefit the U.S.

By James Gerstenzang
Los Angeles Times Staff Writer

October 4, 2007

LANCASTER, PA. — Warning that a premature American departure from Iraq would create turmoil throughout the region, President Bush said Wednesday that his determination to stand firm in Iraq would send a crucial signal to Iran.

"There would be nothing worse for world peace, if the Iranians believed that the United States didn't have the will and commitment to help young democracies survive," Bush said. "If we left before the job was done, there would be chaos. Chaos would embolden not only the extremists and radicals who would like to do us harm, but it would also embolden Iran."

The president's remarks reflected his view that, beyond establishing order in Iraq after the overthrow of Saddam Hussein, the U.S. mission is to create fertile ground for democracy throughout the region.

Speaking to an audience assembled by the Lancaster County Chamber of Commerce and Industry, Bush also said that he saw no likelihood that direct negotiations with Iran would produce a successful outcome for the United States. And he again warned about the dangers of Iran developing nuclear weapons.

The business group assembled an overwhelmingly friendly audience of about 400 people, who lobbed questions -- none with sharp edges -- toward the president: How will the farm bill help local farmers? Do you have plans to prevent illegal immigration? Are you

(D-Mich.), demanded a copy of a separate Justice Department memo, a 2003 document offering a legal justification for the military interrogation of unlawful combatants outside the United States.

The Bush administration has refused to turn over the documents, contending that their disclosure would give terrorist groups too much information about U.S. interrogation tactics. One exception came in December 2004, when the Justice Department released a memo decrying torture as "abhorrent" and defining it as acts that "inflict severe physical or mental pain or suffering."

Staff writer Dan Eggen contributed to this report.

NEW YORK TIMES

October 6, 2007

Bush Says Interrogation Methods Aren't Torture

By SHERYL GAY STOLBERG

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WASHINGTON, Oct. 5 — President Bush, reacting to a Congressional uproar over the disclosure of secret Justice Department legal opinions permitting the harsh interrogation of terrorism suspects, defended the methods on Friday, declaring, "This government does not torture people."

The remarks, Mr. Bush's first public comments on the memorandums, came at a hastily arranged Oval Office appearance before reporters. It was billed as a talk on the economy, but after heralding new job statistics, Mr. Bush shifted course to a subject he does not often publicly discuss: a once-secret Central Intelligence Agency program to detain and interrogate high-profile terror suspects.

"I have put this program in place for a reason, and that is to better protect the American people," the president said, without mentioning the C.I.A. by name. "And when we find somebody who may have information regarding a potential attack on America, you bet we're going to detain them, and you bet we're going to question them, because the American people expect us to find out information — actionable intelligence so we can help protect them. That's our job."

Without confirming the existence of the memorandums or discussing the explicit techniques they authorized, Mr. Bush said the interrogation methods had been "fully disclosed to appropriate members of Congress."

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But his comments only provoked another round of recriminations on Capitol Hill, as Democrats ratcheted up their demands to see the classified memorandums, first reported Thursday by The New York Times.

“The administration can’t have it both ways,” Senator John D. Rockefeller IV, the West Virginia Democrat who is chairman of the Senate Intelligence Committee, said in a statement after the president’s remarks. “I’m tired of these games. They can’t say that Congress has been fully briefed while refusing to turn over key documents used to justify the legality of the program.”

In two separate legal opinions written in 2005, the Justice Department authorized the C.I.A. to barrage terror suspects with a combination of painful physical and psychological tactics, including head-slapping, simulated drowning and frigid temperatures.

The memorandums were written just months after a Justice Department opinion in December 2004 declared torture “abhorrent.”

Administration officials have confirmed the existence of the classified opinions, but will not make them public, saying only that they approved techniques that were “tough, safe, necessary and lawful.”

On Friday, the deputy White House press secretary, Tony Fratto, took The Times to task for publishing the information, saying the newspaper had compromised America’s security.

“I’ve had the awful responsibility to have to work with The New York Times and other news organizations on stories that involve the release of classified information,” Mr. Fratto said. “And I could tell you that every time I’ve dealt with any of these stories, I have felt that we have chipped away at the safety and security of America with the publication of this kind of information.”

The memorandums, and the ensuing debate over them, go to the core of a central theme of the Bush administration: the expansive use of executive power in pursuit of terror suspects.

That theme has been a running controversy on Capitol Hill, where Democrats, and some Republicans, have been furious at the way the administration has kept them out of the loop.

The clash colored Congressional relations with Alberto R. Gonzales, the former attorney general. And by Friday, it was clear that the controversy would now spill over into the confirmation hearings for Michael B. Mukasey, the retired federal judge whom Mr. Bush has nominated to succeed Mr. Gonzales in running the Justice Department.

Senator Carl Levin, the Michigan Democrat who is chairman of the Senate Armed Services Committee, sent a letter to Mr. Mukasey asking him whether, if confirmed, he would provide lawmakers with the Justice Department memorandums.

And Senator Charles E. Schumer, the New York Democrat and Judiciary Committee member, said he expected the memorandums would become a central point in the Mukasey confirmation debate.

“When the president says the Justice Department says it’s O.K., he means Alberto Gonzales said it was O.K.,” Mr. Schumer, who has been a vocal backer of Mr. Mukasey, said in an interview.

“Very few people are going to have much faith in that, and we do need to explore that.”

The administration has been extremely careful with information about the C.I.A. program, which had been reported in the news media but was, officially at least, a secret until Mr. Bush himself publicly disclosed its existence in September 2006.

At the time, the president confirmed that the C.I.A. had held 14 high-profile terrorism suspects — including the man thought to be the mastermind of the Sept. 11 terrorist attacks — in secret prisons, but said the detainees had been transferred to Guantánamo Bay, Cuba.

The 2005 Justice Department opinions form the legal underpinning for the program. On Friday, the director of the C.I.A., Gen. Michael V. Hayden also defended the program, in an e-mail message to agency employees.

“The story has sparked considerable comment,” General Hayden wrote, referring to the account in The Times, “including claims that the opinion opened the door to more harsh interrogation tactics and that information about the interrogation methods we actually have used has been withheld from our oversight committees in Congress. Neither assertion is true.”

LOS ANGELES TIMES

Bush denies CIA torture of suspects

Interrogation methods are legal, he says amid controversy over Justice Department memos sanctioning disputed techniques such as simulated drowning.

By Greg Miller and Richard B. Schmitt
Los Angeles Times Staff Writers

October 6, 2007

WASHINGTON — President Bush on Friday defended the CIA's harsh interrogation of terrorism suspects, saying its methods do not constitute torture and are necessary to

millions of dollars, without a competitive bidding process and that in 2000 and 2001, he participated in discussion with high-ranking [redacted] representatives concerning the possibility of awarding additional contracts of a similar nature." He wrote, "Those discussions led him to believe that [redacted] would award Qwest contracts valued at amounts that would more than offset the negative warnings he was receiving about Qwest's financial prospects."

The newly released court documents say that, on Feb. 27, 2001, Nacchio and James Payne, then Qwest's senior vice president of government systems, met with NSA officials at Fort Meade, expecting to discuss "Groundbreaker," a project to outsource the NSA's non-mission-critical systems.

The men came out of the meeting "with optimism about the prospect for 2001 revenue from NSA," according to an April 9, 2007, court filing by Nacchio's lawyers that was disclosed this week.

But the filing also claims that Nacchio "refused" to participate in some unidentified program or activity because it was possibly illegal and that the NSA later "expressed disappointment" about Qwest's decision.

"Nacchio said it was a legal issue and that they could not do something that their general counsel told them not to do. . . . Nacchio projected that he might do it if they could find a way to do it legally," the filing said.

Mike German, policy counsel for the American Civil Liberties Union, said the documents show "that there is more to this story about the government's relationship with the telecoms than what the administration has admitted to."

Kurt Opsahl, senior staff attorney for the Electronic Frontier Foundation, said: "It's inappropriate for the government to be awarding a contract conditioned upon an agreement to an illegal program. That truly is what's going on here."

The foundation has sued AT&T, charging that it violated privacy laws by cooperating with the government's warrantless surveillance program.

Staff researcher Richard Drezen contributed to this report.

WASHINGTON POST

Lawmakers Criticize CIA Director's Review Order

Congress Wants to Protect Investigator's Independence

By Walter Pincus
Washington Post Staff Writer
Saturday, October 13, 2007; A03

A decision by the CIA director, Gen. Michael V. Hayden, to order a special review of efforts by CIA Inspector General John L. Helgerson to probe the agency's past interrogations and imprisonment of terrorism suspects evoked concern yesterday among congressional staff members and lawmakers.

* The review is the latest reflection of disagreement within the CIA about the legality and appropriateness of the agency's treatment of suspects since 2001, including its decision to hold nearly 100 in secret prisons, to subject more than a dozen to extraordinarily harsh interrogation techniques, and to fly others to countries where torture is frequently practiced.

The agency's leadership, including its lawyers, has been sparring with the inspector general's office for several years about those practices, and since 2004 has been questioned by Helgerson about allegations that CIA officers engaged in criminal activities in Iraq.

A secret report completed by Helgerson in 2004 concluded that some CIA interrogation practices might violate international law, a conclusion that jarred the agency officials who had relied on Justice Department assurances that such practices were legal.

Rep. Silvestre Reyes (D-Tex.), chairman of the House Permanent Select Committee on Intelligence, said in a statement yesterday that the review of the agency's inspector general that Hayden ordered is "troubling" because of its possible impact on the official's independence, "which Congress established and will very aggressively preserve."

Sen. Christopher S. Bond (R-Mo.), vice chairman of the Senate intelligence committee, warned in a statement that Congress depends heavily on the inspector general's help to oversee the CIA's activities. He promised to "be watching carefully to make sure that nothing is done to restrain or diminish that important office."

Helgerson informed staff members of the Senate committee last week, during a routine briefing on his investigations, that he is the subject of a review ordered by Hayden. The Los Angeles Times and the New York Times disclosed the existence of the review in yesterday's editions.

The review is being conducted by Hayden's senior counselor, Robert L. Deitz, and has raised concerns among Helgerson's staff, said officials familiar with it. "Some people complained, and they were loud enough that we wanted to see if there was a problem," a Senate staff member said, requesting anonymity because he was not authorized to discuss the subject. "There is no judgment. We just asked him [Helgerson] about it."

Deitz is to meet with the staffs of both House and Senate committees on Tuesday, a senior intelligence officer said. In December, Deitz told an American Bar Association conference that "we need to give more credit to people in these positions of authority, heads of NSA, CIA, DIA. These are not a bunch of corrupt politicians who are making

decisions to cover their careers. These are well-intentioned people who are deeply concerned about keeping America safe."

Deitz's review of Helgerson began in April when Hayden started getting reports that Helgerson's staff was carrying on its investigations with "a prosecutorial mentality and the director could not ignore them," a senior intelligence official said.

Summing up the views of the agency's clandestine operators, the senior intelligence official said, "They find the CIA general counsel says a technique is okay, the IG months or years later says no." That situation, he added, "leads first to job anxiety, then to a drop in morale and, finally, to risk aversion."

Another intelligence official said there had been other complaints about the work of the IG's office, including the length of time that investigations went on and claims of bias in the IG's approach to fact-finding.

CIA spokesman Paul Gimigliano said that Hayden "firmly believes that the work of the Office of Inspector General is critical to the entire agency" and since taking over CIA "has accepted the vast majority of its findings." He described Dietz, who served as National Security Agency general counsel when Hayden headed that agency, as "a seasoned observer" from outside the agency who can "if need be, suggest specific improvements for consideration by the [IG] unit itself."

The senior intelligence official described it as an "effort in-house to determine whether the complaints [Hayden] was receiving had merit," the senior intelligence official said. "Nothing that rises to the level of asking some outside group to put this IG under a microscope." It was to be, he added, "a careful, discreet inquiry."

Suzanne Spaulding, a former CIA associate general counsel and former senior staff member on the Senate and House intelligence panels, said the review had created "an appearance of attempted intimidation" of the inspector general.

But Jeffrey H. Smith, CIA general counsel during the Clinton administration, cautioned yesterday that "inspector general second-guessing on legal authority, using their own lawyers, may result in risk aversion by officers in the future." He added that an IG "is engaged in looking backwards with 100 percent clarity and does not have the pressures on them and risks the operators face."

Smith noted that the CIA inspector general not only finds facts but also suggests "what disciplinary actions should be taken. That converts him into a prosecuting attorney."

Staff researcher Julie Tate contributed to this report.

Sunday, October 14, 2007

SAN FRANCISCO CHRONICLE

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the Sept. 11, 2001, attacks. In 2004, he told graduates of the Air Force Academy that people "share this vision of dignity and freedom in every culture because liberty is not the invention of Western culture, liberty is the deepest need and hope of all humanity." In his second inaugural address, he scoffed at those who "have questioned the global appeal of liberty."

But at a White House news conference Wednesday, Mr. Bush questioned "whether or not it's possible to reprogram the kind of basic Russian DNA, which is a centralized authority." In so doing, he echoed the laziest thinking of cultural determinists -- those who said that South Korea could never be democratic because of its Confucian culture, and were proved wrong; who said that Indonesia could never be democratic because of its Muslim faith, and were proved wrong; and who say today that Russia will never escape its czar-serf history.

Will the Russia experts also be proved wrong someday? No one can be sure. But it would be reasonable to point out that, one decade after the fall of communism, Russia had taken imperfect but impressive strides toward nurturing a free press, a vibrant political scene, a government with checks and balances, and a growing civil society. Then Mr. Putin, whose soul Mr. Bush famously vouched for, consciously chose to lead the nation in a different direction, one that resonated with his KGB past. Mr. Bush and his foreign policy advisers denied this trend long after it had become apparent to almost everyone else.

Now, by portraying the neo-Soviet backsliding as inevitable, as somehow genetic, Mr. Bush seeks to exonerate himself. But that's not the worst of it; after all, his influence would have been limited in the best of circumstances. Mr. Bush's musings about Russian DNA serve to vindicate Mr. Putin's own justifications for stifling freedom. Worst, just as Mr. Bush has abandoned the champions of democracy he once encouraged in Egypt, so his dismissal of Russia's genes betrays the Russians who have struggled and sacrificed -- and will, one day, struggle and sacrifice again -- to bring "dignity and freedom" to their homeland.

NEW YORK TIMES

October 19, 2007

Senators Clash With Nominee About Torture

By PHILIP SHENON

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WASHINGTON, Oct. 18 — President Bush's nominee for attorney general, Michael B. Mukasey, declined Thursday to say if he considered harsh interrogation techniques like waterboarding, which simulates drowning, to constitute torture or to be illegal if used on terrorism suspects.

On the second day of confirmation hearings before the Senate Judiciary Committee, Mr. Mukasey went further than he had the day before in arguing that the White House had constitutional authority to act beyond the limits of laws enacted by Congress, especially when it came to national defense.

He suggested that both the administration's program of eavesdropping without warrants and its use of "enhanced" interrogation techniques for terrorism suspects, including waterboarding, might be acceptable under the Constitution even if they went beyond what the law technically allowed. Mr. Mukasey said the president's authority as commander in chief might allow him to supersede laws written by Congress.

The tone of questioning was far more aggressive than on Wednesday, the first day of the hearings, as Mr. Mukasey, a retired federal judge, was challenged by Democrats who pressed him for his views on President Bush's disputed antiterrorism policies.

In the case of the eavesdropping program, Mr. Mukasey suggested that the president might have acted appropriately under his constitutional powers in ordering the surveillance without court approval even if federal law would appear to require a warrant.

"The president is not putting somebody above the law; the president is putting somebody within the law," said Mr. Mukasey, who seemed uncomfortable with the aggressive tone, occasionally stumbling in his responses. "The president doesn't stand above the law. But the law emphatically includes the Constitution."

The remarks about the eavesdropping program drew criticism from the committee's chairman, Senator Patrick J. Leahy, Democrat of Vermont, who told Mr. Mukasey that he was troubled by his answer, adding, "I see a loophole big enough to drive a truck through."

The questioning by the Democrats was tougher still regarding Mr. Mukasey's views on presidential authority to order harsh interrogation techniques on terrorist suspects, including waterboarding, which was used by the C.I.A. on some of those who were captured and held in the agency's secret prisons after the Sept. 11 terror attacks.

"Is waterboarding constitutional?" Mr. Mukasey was asked by Senator Sheldon Whitehouse, Democrat of Rhode Island, in one of the sharpest exchanges.

"I don't know what is involved in the technique," Mr. Mukasey replied. "If waterboarding is torture, torture is not constitutional."

Mr. Whitehouse described Mr. Mukasey's response as a "massive hedge" since the nominee refused to be drawn into a conversation about whether waterboarding amounted to torture; many lawmakers from both parties, as well as civil liberties and human rights groups, have said it is clearly a form of torture. The administration has suggested that it ended the practice after protests from Capitol Hill and elsewhere, although it has never said so explicitly.

"I mean, either it is or it isn't," Mr. Whitehouse continued.

Waterboarding, he said, "is the practice of putting somebody in a reclining position, strapping them down, putting cloth over their faces and pouring water over the cloth to simulate the feeling of drowning. Is that constitutional?"

Mr. Mukasey again demurred, saying, "If it amounts to torture, it is not constitutional."

Mr. Whitehouse said he was "very disappointed in that answer; I think it is purely semantic."

"I'm sorry," Mr. Mukasey replied.

While Mr. Mukasey still seemed almost certain to win Senate confirmation, a vote in the Judiciary Committee could be delayed until he provides written answers to questions raised Thursday by Mr. Leahy. The senator said he did not intend to hold the vote until after the responses were received and reviewed.

The committee's ranking Republican, Senator Arlen Specter of Pennsylvania, said that while he shared some of Democrats' concerns about Mr. Mukasey's views on the limits of presidential authority, "I think you are virtually certain to be confirmed, and we're glad to see the appointment and glad to see somebody who is strong, with a strong record, take over this department."

Other Republicans joined in the praise. "I've listened to your testimony here, and it seems to me that you are extraordinarily well-suited for this position, pretty much as well as anybody who hasn't served in the position before could be," said Senator Jon Kyl of Arizona.

Among the Democrats, Mr. Leahy was especially critical of Mr. Mukasey, wondering aloud whether he had been pressured overnight by the White House to defend the administration's view of its expanded powers in dealing with terrorist threats.

"In your answers yesterday, there was a very bright line on questions of torture and the ability of an executive, or inability of an executive, to ignore the law," Mr. Leahy said. "That seems nowhere near as bright a line today, and maybe I just don't understand."

"I don't know whether you received some criticism from anybody in the administration last night after your testimony," he said, "but I sensed a difference, and a number of people here, Republican and Democratic alike, have sensed a difference."

Mr. Mukasey insisted there had been no pressure from the White House on Wednesday, saying, "I received no criticism."

Saturday, October 20, 2007

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Chavez, Venezuela's oil-flush leftist president.

Bush may be too unimaginative to try a new policy toward Cuba, but the next president shouldn't be. For starters, the U.S. should allow Americans to travel freely to Cuba, as the only reliable way to circumvent Castro's information blockade. And there may be a good case for "smart" U.S. Treasury sanctions that would specifically target Fidel and Raoul Castro and their cronies, as the only way to hold Cuba's leaders accountable for their human rights travesties. The indiscriminate U.S. embargo, however, only hurts the Cuban poor. Worse, it gives the Castro brothers a convenient *Yanqui* scapegoat for the economic mismanagement and misery they have inflicted on their people.

Citation: <http://www.latimes.com/news/opinion/la-ed-cuba26oct26.0,2331654.story?coll=la-opinion-leftrail>

Saturday, October 27, 2007

WASHINGTON POST



From CIA Jails, Inmates Fade Into Obscurity

Dozens of 'Ghost Prisoners' Not Publicly Accounted For

By Craig Whitlock
Washington Post Foreign Service
Saturday, October 27, 2007; A01

ISLAMABAD, Pakistan -- On Sept. 6, 2006, President Bush announced that the CIA's overseas secret prisons had been temporarily emptied and 14 al-Qaeda leaders taken to Guantanamo Bay, Cuba. But since then, there has been no official accounting of what happened to about 30 other "ghost prisoners" who spent extended time in the custody of the CIA.

Some have been secretly transferred to their home countries, where they remain in detention and out of public view, according to interviews in Pakistan and Europe with government officials, human rights groups and lawyers for the detainees. Others have disappeared without a trace and may or may not still be under CIA control.

The bulk of the ghost prisoners were captured in Pakistan, where they scattered after the U.S. invasion of Afghanistan in 2001.

Among them is Mustafa Setmariam Nasar, a dual citizen of Syria and Spain and an influential al-Qaeda ideologue who was last seen two years ago. On Oct. 31, 2005, the red-bearded radical with a \$5 million U.S. bounty on his head arrived in the Pakistani border city of Quetta, unaware he was being followed.

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Nasar was cornered by police as he and a small group of followers stopped for dinner. Soon after, according to Pakistani officials, he was handed over to U.S. spies and vanished into the CIA's prison network. Since then, various reports have placed him in Syria, Afghanistan and India, though nobody has been able to confirm his whereabouts.

Nearly all the Arab members of al-Qaeda caught in Pakistan were given to the CIA, Pakistani security officials said. But the fate of several Pakistani al-Qaeda operatives who were also captured remains murky; the Pakistani government has ignored a number of lawsuits filed by relatives seeking information.

"You just don't know -- either these people are in the custody of the Pakistanis or the Americans," said Zafarullah Khan, human rights coordinator for the Pakistan Muslim League, an opposition political party.

Others have been handed over to governments that have kept their presence a secret.

Since 2004, for example, the CIA has handed five Libyan fighters to authorities in Tripoli. Two had been covertly nabbed by the CIA in China and Thailand, while the others were caught in Pakistan and held in CIA prisons in Afghanistan, Eastern Europe and other locations, according to Libyan sources.

The Libyan government has kept silent about the cases. But Libyan political exiles said the men are kept in isolation with no prospect of an open trial.

Other ghost prisoners are believed to remain in U.S. custody after passing into and out of the CIA's hands, according to human rights groups.

Relatives of a Tunisian al-Qaeda suspect known as Retha al-Tunisi, captured in Karachi, Pakistan, in 2002, received notice recently from the International Committee of the Red Cross that he is detained at a U.S. military prison in Afghanistan, said Clara Gutteridge, an investigator for Reprieve, a London-based legal rights group that represents many inmates at the U.S. prison at Guantanamo Bay. Other prisoners, since released, had previously reported seeing Tunisi at a secret CIA "black site" in Afghanistan.

At least one former CIA prisoner has been quietly freed. Ahmad Khalil Ibrahim Samir al-Ani, an Iraqi intelligence agent captured after the invasion of Iraq in 2003, was detained at a secret location until he was released last year.

Ani gained notoriety before the Iraq war when Bush administration officials said he had met in Prague with Sept. 11, 2001, hijacker Mohamed Atta. Some officials, including Vice President Cheney, cited the rendezvous as evidence of an alliance between al-Qaeda and Saddam Hussein. The theory was later debunked by U.S. intelligence agencies and the Sept. 11 commission, which revealed in 2004 that Ani was in U.S. custody.

The Iraqi spy resurfaced two months ago when Czech officials revealed that he had filed a multimillion-dollar compensation claim. His complaint: that unfounded Czech intelligence reports had prompted his imprisonment by the CIA.

Guantanamo Newcomers

When Bush confirmed the existence of the CIA's prisons in September 2006, he said they had been vacated for the time being. But he said the U.S. government would use them again, if necessary.

The CIA has resumed its detention program. Since March, five new terrorism suspects have been transferred to Guantanamo. Although the Pentagon has not disclosed details about how or precisely when they were captured, officials have said one of the prisoners, Abd al-Hadi al-Iraqi, had spent months in CIA custody overseas.

Details of the secret detention program remain classified. U.S. officials have offered only vague descriptions of its reach and scope.

Last month, in a speech in New York, CIA Director Michael V. Hayden said "fewer than 100 people" had been detained in the CIA's overseas prison network since the program's inception in early 2002.

In June, a coalition of human rights groups identified 39 people who may have been in CIA custody but are still missing. Many of those on the list, however, were identified by partial names or noms de guerre, such as one man described only as Mohammed the Afghan.

Joanne Mariner, director of terrorism and counterterrorism research for Human Rights Watch, said the CIA has moved many prisoners from country to country and relied on other spy services to take custody of suspects, sometimes temporarily and sometimes for good.

"The large majority have gone to their countries of origin," she said. "But that doesn't mean all of them. There could be some that are still in proxy detention."

In a footnote to its 2004 report, the Sept. 11 commission named nine al-Qaeda suspects who were in U.S. custody at black sites. Seven were later transferred to Guantanamo.

Still missing is Hassan Ghul, a Pakistani national captured in northern Iraq in January 2004. U.S. officials have described him as a high-level emissary between al-Qaeda's core command in Pakistan and its affiliates in Iraq.

Another prisoner on the commission's list was Ali Abd al-Rahman al-Faqasi al-Ghamdi, a Saudi accused of planning attacks in the Arabian Peninsula. He surrendered to Saudi authorities in June 2003.

Although the Sept. 11 commission reported that Ghamdi was in U.S. custody, Saudi officials said that was not the case. They said he remains in prison in Saudi Arabia and has never left the country.

"He was never, under no condition, in U.S. custody," said a Saudi security source who spoke on condition of anonymity.

Officials with the International Committee of the Red Cross said they have failed to find dozens of people once believed to have been in CIA custody, despite repeated queries to the U.S. government and other countries.

"The ICRC remains gravely concerned by the fate of the persons previously held in the CIA detention program who remain unaccounted for," said Simon Schorno, a Red Cross spokesman in Washington. "The ICRC is concerned about any type of secret detention."

The CIA declined to comment on whether certain individuals were ever in its custody.

"Apart from detainees transferred to Guantanamo, the CIA does not, as a rule, comment publicly on lists of people alleged to have been in its custody -- even though those lists are often flawed," said Paul Gimigliano, a CIA spokesman.

Out in the Cold

When the Bush administration disclosed last year that 14 senior al-Qaeda leaders had been transferred to Guantanamo -- leaving the CIA prisons temporarily vacant -- some conspicuous names were missing from the list.

One was an al-Qaeda training camp leader known as Ibn al-Sheikh al-Libi. He was arrested in the Pakistani border town of Kohat in late 2001 and eventually taken to Cairo, where the CIA enlisted Egyptian intelligence agents to help with the interrogation.

Libi began to talk. Among his claims: that the Iraqi regime had provided training in poisons and mustard gas to al-Qaeda operatives.

His statements were cited by the Bush administration as part of the rationale for invading Iraq in 2003. He recanted after the war began, however, and his continued detention became a political liability for the CIA.

Although the CIA has since acknowledged that Libi was one of its prisoners, U.S. officials have not disclosed what happened to him. In interviews, however, political exiles from Libya said he was flown by the CIA to Tripoli in early 2006 and imprisoned by the Libyan government.

Libi reported that the CIA had taken him from Egypt to several other covert sites, including in Jordan, Morocco and Afghanistan, according to a Libyan security source.

He also claimed that he had been kept someplace very cold and that his CIA captors had told him he was in Alaska, the source said. Human rights groups have suggested that Libi was part of a small group of senior al-Qaeda figures held in a CIA prison in northern Poland.

In Tripoli, Libi joined several other Libyans who had spent time in the CIA's penal system. All were members of the Libyan Islamic Fighting Group, a network that had plotted for years from exile to overthrow Moammar Gaddafi.

After the U.S. invasion of Afghanistan in 2001, members of the Libyan network who had been staying there dispersed. The CIA helped Libya's spy agencies track down some of the leaders.

One of them, Abdallah al-Sadeq, was apprehended in a covert CIA operation in Thailand in the spring of 2004, according to Noman Benotman, a former member of the Libyan militant network.

Another, Abu Munder al-Saadi, the group's spiritual leader, was caught in the Hong Kong airport. In both cases, Benotman said, the Libyans were held briefly by the CIA before U.S. agents flew them to Tripoli.

"They realized very quickly that these guys had nothing to do with al-Qaeda," Benotman said in an interview in London. "They kept them for a few weeks, and that's it."

Benotman said he confirmed details of the CIA operations when he was allowed to see the men during a visit to a Tripoli prison this year. The trip was arranged by the Libyan government as part of an effort to persuade the Libyan prisoners to reconcile with the Gaddafi regime.

The CIA has transferred at least two other Libyans to Tripoli, Benotman said. Khaled al-Sharif and another Libyan known only as Rabai were captured in Peshawar, Pakistan, in 2003 and spent time in a CIA prison in Afghanistan, he said.

The Libyan Embassy in Washington did not respond to a faxed letter seeking comment.

A Missing 'Gold Mine'

In Spain, prosecutors have been searching for Nasar, the redheaded al-Qaeda ideologue, for four years.

In 2003, he was indicted by an investigative magistrate in Madrid, accused of helping to build sleeper cells in Spain. A prolific writer and theoretician in the jihadi movement, Nasar had lived in several European countries as well as Afghanistan.

Spain has filed requests for information about Nasar with the Pakistani government, to no avail. Spanish Foreign Minister Miguel Angel Moratinos also raised the issue during a visit to Islamabad last year.

"We don't have any indication of where he is," said a source in the Spanish Foreign Ministry, who spoke on condition of anonymity.

Brynjar Lia, a Norwegian terrorism analyst and the author of a new book on Nasar, "Architect of Global Jihad," said the radical would know valuable details about the inner workings of al-Qaeda.

"The Americans are probably the ones who want him the most because he was prominently involved in al-Qaeda in the 1990s," said Lia, a senior researcher at the Norwegian Defense Research Establishment. "He must be a gold mine of information."

Some Spanish media have speculated that Nasar is being held in Syria, his place of birth. The CIA has transferred other terrorism suspects to Syria despite tense diplomatic relations between Washington and Damascus.

Other Spanish press reports have claimed that Nasar remains in U.S. custody. Another rumor is that he's being held in a CIA-run prison in India, said Manuel Tuero, a Madrid lawyer who represents Nasar's wife.

Though Nasar would go on trial if he was brought back to Spain, that would be preferable to indefinite detention in a secret prison, Tuero said.

"He's in a legal limbo," he said. "The Americans would never give him a fair trial. Spain would."

Special correspondents Munir Ladaa in Berlin and Cristina Mateo-Yanguas in Madrid contributed to this report.

WASHINGTON POST

Torture Stance Raises Doubts on Mukasey

By Dan Eggen
Washington Post Staff Writer
Saturday, October 27, 2007; A02

A growing number of Senate Democrats who had previously praised attorney general nominee Michael B. Mukasey are now focusing on his refusal to answer a question about torture as a pivotal issue for his confirmation.

Sen. Joseph R. Biden Jr. (D-Del.), a member of the Judiciary Committee, yesterday joined other key Democrats in saying his vote will depend on whether Mukasey declares

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Sen. Joseph R. Biden Jr. (D-Del.), a member of the Judiciary Committee, yesterday joined other key Democrats in saying his vote will depend on whether Mukasey declares

that a disputed CIA interrogation technique known as "waterboarding" qualifies as illegal torture under U.S. laws.

While no lawmaker has predicted Mukasey's defeat, several have suggested that his confirmation is less assured than it initially seemed.

Mukasey aroused lawmakers' concerns when he repeatedly declined to answer questions about waterboarding during the second day of his confirmation hearings. He said he was not sufficiently familiar with the practice to render an opinion.

"My support for Judge Mukasey's nomination depends in part on him stating clearly that waterboarding constitutes torture and that the president is bound by the law," Biden said in a statement.

His comments followed similar remarks on Thursday by Sens. Richard J. Durbin (D-Ill.), the majority whip, and Patrick J. Leahy (D-Vt.), the Judiciary chairman. Leahy has postponed a vote on Mukasey's nomination until he answers questions on waterboarding, surveillance and other issues. Senate Majority Leader Harry M. Reid (D-Nev.) also told reporters the issue is important to his vote.

"For those of us who care about torture, his answer on waterboarding is very important," Durbin said in an interview yesterday. "I was looking for something different from Judge Mukasey, but so far his answers have been disappointing."

Legislative aides said other Democratic members of the panel are waiting for Mukasey's answers before deciding whether to support him.

The committee's ranking Republican, Sen. Arlen Specter (Pa.), has also written a letter to Mukasey demanding answers about waterboarding and other issues. Other Republicans have said that because Mukasey had no connection to or knowledge of waterboarding, he should not have to answer questions about it.

The skepticism marks a shift from 10 days ago, when Reid, Leahy and other top Democrats praised Mukasey's qualifications and predicted his easy confirmation by the Senate.

* The new pressure on the torture issue poses a political and legal challenge for the Bush administration, which officials have said authorized the use of waterboarding on at least three detainees kept in secret detention by the CIA after the Justice Department said it was legal. In appointing Mukasey, who had a reputation as a pragmatic outsider, administration officials sought to avoid a new fight over the controversial policies that tarred former attorney general Alberto R. Gonzales.

White House spokesman Tony Fratto said yesterday that Mukasey will answer lawmakers' questions as best he can but cautioned that Mukasey does not have the

security clearances to be briefed on classified programs. "We think it still ought to be a sure thing," Fratto said.

A vote on Mukasey's nomination by the Judiciary Committee is unlikely for at least two weeks, legislative aides said yesterday. That means the nomination may come before the full Senate shortly before Thanksgiving.

Mukasey, a former federal prosecutor who served 18 years as a federal judge in New York, enjoyed the early and highly public support of Sen. Charles E. Schumer (D-N.Y.). Schumer said this month that Mukasey was likely to be confirmed.

But Schumer spokesman Brian Fallon said yesterday that the waterboarding issue "raises serious concerns for the senator. . . . He is waiting for Judge Mukasey's answers before passing any judgment."

The waterboarding tactic generally involves strapping the prisoner to a board, covering his face or mouth with a cloth, and pouring water over his face to create the sensation of drowning, according to human rights groups. The practice dates to at least the Spanish Inquisition, and has been prosecuted as torture in U.S. military courts since the Spanish-American War.

In testimony before the Judiciary panel on Oct. 18, Mukasey demurred when asked whether waterboarding constitutes torture and is therefore illegal. "I don't know what's involved in the technique," he said. "If waterboarding is torture, torture is not constitutional."

The committee's 10 Democrats responded on Tuesday with a letter to Mukasey demanding that he answer the question directly and noting that the practice is well enough known that the State Department routinely condemns its use in other countries. That letter, spearheaded by Durbin, stopped short of threatening opposition to Mukasey's nomination.

Bradford A. Berenson, a lawyer who worked in the White House counsel's office and who supports the nomination, said that "it's just unreasonable to expect him to express a firm view [on waterboarding] one way or the other unless he's more versed in the facts. It's not as if he went in there and told them it wasn't torture. He just wanted to be better informed."

Mukasey also testified that while the president could not authorize conduct that would violate torture laws, there may be occasions when the president's powers as commander in chief could trump a federal law requiring that a special court approve intelligence-related wiretaps.

In a letter to Leahy released by the senator yesterday, Mukasey reiterated that he believes the Constitution and U.S. statutes are explicit in forbidding torture but are less clear on the boundaries of surveillance. "The weight of authority indicates that warrantless

surveillance to collect foreign intelligence is not unconstitutional so long as it is otherwise reasonable," Mukasey wrote.

WASHINGTON POST

FEMA Official Apologizes for Staged Briefing With Fake Reporters

By Spencer S. Hsu
Washington Post Staff Writer
Saturday, October 27, 2007; A03

The Federal Emergency Management Agency's No. 2 official apologized yesterday for leading a staged news conference Tuesday in which FEMA employees posed as reporters while real reporters listened on a telephone conference line and were barred from asking questions.

"We are reviewing our press procedures and will make the changes necessary to ensure that all of our communications are straight forward and transparent," Vice Adm. Harvey E. Johnson Jr., FEMA's deputy administrator, said in a four-paragraph statement.

"We can and must do better, and apologize for this error in judgment," Johnson said, a view repeated yesterday by press officers at the White House and the Department of Homeland Security, who criticized the event.

FEMA announced the news conference at its Southwest Washington headquarters about 15 minutes before it was to begin Tuesday afternoon, making it unlikely that reporters could attend. Instead, FEMA set up a telephone conference line so reporters could listen.

In the briefing, parts of which were televised live by cable news channels, Johnson stood behind a lectern, called on questioners who did not disclose that they were FEMA employees, and gave replies emphasizing that his agency's response to this week's California wildfires was far better than its response to Hurricane Katrina in August 2005.

"It was absolutely a bad decision. I regret it happened. Certainly . . . I should have stopped it," said John P. "Pat" Philbin, FEMA's director of external affairs. "I hope readers understand we're working very hard to establish credibility and integrity, and I would hope this does not undermine it."

White House press secretary Dana Perino said yesterday that "it is not a practice that we would employ here at the White House. We certainly don't condone it. We didn't know about it beforehand. . . . They, I'm sure, will not do it again."

Department of Homeland Security spokesman Russ Knochke called the staged briefing "totally unacceptable," adding, "While it is an isolated incident, that does not make it any more tolerable." He said reprimands are "very probable." FEMA is part of DHS.

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former presidents and even their heirs power to withhold sensitive documents well beyond the standard 12-year waiting period. A bipartisan measure reversing the presumption of nondisclosure and reasonably limiting executive privilege claims passed the House in March by a veto-proof majority. In June, it cleared Senate committee review.

Yet approval by the full Senate is in doubt because of a single Republican senator, Jim Bunning of Kentucky. Mr. Bunning has declined to detail his reasons for exercising his senatorial prerogative to hold up consideration of the bill beyond telling The Dallas Morning News that the "president ought to have the right to withhold any records he chooses." His colleagues and all Americans are owed a fuller explanation of why he believes a politician's desire to hide embarrassing information for no legitimate reason of national security should trump the public's right to know.

Harry Reid, the Senate majority leader, should not let the bill die. If Mr. Bunning will not lift his hold, it should be possible to round up the 60 votes needed to get the bill around him and onto the floor.

Wednesday, October 31, 2007

WASHINGTON POST

Mukasey Losing Democrats' Backing

Nominee Unsure If Waterboarding Breaks Torture Law

By Dan Eggen
Washington Post Staff Writer
Wednesday, October 31, 2007; A01

Attorney general nominee Michael B. Mukasey told Senate Democrats yesterday that a kind of simulated drowning known as waterboarding is "repugnant to me," but he said he does not know whether the interrogation tactic violates U.S. laws against torture.

Mukasey's uncertainty about the method's legality has raised new questions about the success of his nomination. It seemed a sure thing just two weeks ago, as Democrats joined Republicans in predicting his easy confirmation to succeed the embattled Alberto R. Gonzales.

Mukasey raised alarms among Democrats and human rights groups during testimony on Oct. 18. He declined to say whether waterboarding is torture, prompting key Democrats to press the point and say their vote will hinge on his answer to that question.

The chairman of the Senate Judiciary Committee has so far refused to schedule a vote on Mukasey's nomination. All four Democratic senators running for president said before

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the release of Mukasey's letter yesterday evening that they will vote against him because of his handling of the waterboarding issue.

Sen. Hillary Rodham Clinton (N.Y.), the Democratic front-runner, said yesterday that "we cannot send a signal that the next attorney general in any way condones torture or believes that the president is unconstrained by law." Sen. Barack Obama (Ill.) and Sen. Joseph R. Biden Jr. (Del.), a member of the Judiciary panel, issued similar statements.

By seizing on the waterboarding issue, Democrats hope to force Mukasey to disavow a controversial technique that top Bush administration officials have deemed legal. If he were to say the tactic is illegal, he would effectively deem earlier Justice Department opinions unlawful.

In a four-page letter to the Judiciary Committee, Mukasey walked a tightrope by outlining the laws and treaties forbidding torture and other cruel treatment, and explaining the legal analysis he would undertake of "coercive" techniques, while generally declining to render judgments.

Mukasey said that techniques described as waterboarding by lawmakers "seem over the line or, on a personal basis, repugnant to me, and would probably seem the same to many Americans." But, he continued, "hypotheticals are different from real life, and in any legal opinion the actual facts and circumstances are critical."

Mukasey also said he is reluctant to offer opinions on interrogation techniques because he does not want to place U.S. officials "in personal legal jeopardy" and is concerned that such remarks might "provide our enemies with a window into the limits or contours of any interrogation program." His arguments are similar to those advanced by the Bush administration in its refusal to discuss waterboarding or other interrogation techniques.

Reiterating a promise made during his testimony, Mukasey said that he "will not hesitate" to "rescind or correct any legal opinion of the Department of Justice that supports" illegal interrogation techniques. Since September 2001, the CIA has repeatedly used harsh methods that the Justice Department ruled were legal but that independent experts have said violate domestic and international law.

Sen. Patrick J. Leahy (D-Vt.), the Judiciary panel's chairman, reacted with blunt dissatisfaction, saying in a statement yesterday that he will continue to delay any vote on Mukasey until the nominee answers more questions from lawmakers. "I remain very concerned that Judge Mukasey finds himself unable to state unequivocally that waterboarding is illegal and below the standards and values of the United States," he said.

But Leahy, who said last week that "my vote would depend on him answering that question," stopped short of declaring he will oppose the nomination. Majority Whip Richard J. Durbin (D-Ill.), also issued a statement criticizing Mukasey but did not say whether he would vote no.

"We asked Judge Mukasey a simple and straightforward question: Is waterboarding illegal?" Durbin said. "While this question has been answered clearly by many others . . . Judge Mukasey spent four pages responding and still didn't provide an answer."

The committee's ranking Republican, Sen. Arlen Specter (Pa.), has also demanded answers from Mukasey about waterboarding and other issues. Other Republicans have supported the White House's position that Mukasey had no connection to or knowledge of waterboarding and should not have to answer questions about it.

Nine Republicans on the House Judiciary Committee yesterday issued a news release urging the Senate to "stop playing politics with the Justice Department."

Lindsey O. Graham (R-S.C.), a Senate Judiciary Committee member and military lawyer who has frequently criticized the administration's interrogation policies, said he was heartened by Mukasey's letter, including his view that the Detainee Treatment Act, passed by Congress last year, bars waterboarding in military interrogations. The act does not cover CIA interrogations.

"The letter shows that he understands mainstream legal reasoning. There's nothing off base here," Graham said in an interview.

White House spokesman Tony Fratto said Mukasey's response was "very thorough" but was necessarily limited by his lack of a security clearance. "I think it gives a clear path to how he would tackle this particular question and questions like it," Fratto said. "It's what you would want to see as an attorney general."

Waterboarding generally involves strapping a prisoner to a board, covering his face or mouth with a cloth, and pouring water over his face to create the sensation of drowning, human rights groups say. The practice dates at least to the Spanish Inquisition and has been prosecuted as torture in U.S. military courts since the Spanish-American War. The State Department has condemned its use in other countries.

* Officials have said the Bush administration authorized the use of waterboarding on at least three prisoners kept in secret detention by the CIA after the Justice Department said it was legal, including alleged Sept. 11 mastermind Khalid Sheik Mohammed. The practice was halted in 2005, sources have said.

Caroline Fredrickson, Washington legislative director for the American Civil Liberties Union, said Mukasey does not need a classified briefing to answer the question. "He seems like he's just an artful hairsplitter," Fredrickson said.

Washingtonpost.com staff writer Paul Kane contributed to this report.

Mukasey Calls Harsh Interrogation 'Repugnant'

By SCOTT SHANE

Page A16

WASHINGTON, Oct. 30 — In an effort to quell growing doubts in the Senate about his nomination as attorney general, Michael B. Mukasey declared Tuesday that waterboarding and other harsh interrogation techniques “seem over the line or, on a personal basis, repugnant to me” and promised to review the legality of such methods if confirmed.

But Mr. Mukasey told Senate Democrats he could not say whether waterboarding, which simulates drowning, was illegal torture because he had not been briefed on the details of the classified technique and did not want to suggest that Central Intelligence Agency officers who had used such techniques might be in “personal legal jeopardy.”

It was unclear whether the answers would be enough to win endorsement from the Senate Judiciary Committee, where the torture issue has threatened to block the confirmation of Mr. Mukasey, who served for 18 years as a federal judge in New York.

Mr. Mukasey gave his answer in a four-page letter delivered Tuesday afternoon to Senator Patrick J. Leahy, chairman of the committee, and the other nine Democrats on it.

Mr. Mukasey noted that Congress has not explicitly banned waterboarding by the C.I.A., though it was outlawed for use by the military in the Detainee Treatment Act of 2005. That left room for interpretation as to whether waterboarding or any other technique is prohibited as “cruel, inhuman or degrading” treatment, he wrote.

“Legal questions must be answered based solely on the actual facts, circumstances and legal standards presented,” he wrote.

In the absence of knowing exactly how specific classified interrogation techniques have been used, Mr. Mukasey continued, he did not want to offer legal opinions on “hypotheticals.”

All 10 Democrats on the committee wrote to Mr. Mukasey last week asking that he clarify his position on waterboarding. “Your unwillingness to state that waterboarding is illegal may place Americans at risk of being subject to this abusive technique,” they wrote.

The initial response from committee Democrats on Tuesday night suggested that Mr. Mukasey had not assuaged their concerns.

"I remain very concerned that Judge Mukasey finds himself unable to state unequivocally that waterboarding is illegal and below the standards and values of the United States," Mr. Leahy, of Vermont, said in a statement.

He said he would consider Mr. Mukasey's written answers to other questions and consult other committee members before scheduling a vote on the nomination.

Another Democrat, Senator Richard J. Durbin of Illinois, said Mr. Mukasey had "spent four pages responding and still didn't provide an answer" to the question, "Is waterboarding illegal?"

"Judge Mukasey makes the point that in the law, precision matters," Mr. Durbin said. "So do honesty and openness. And on those counts, he falls far short."

A Republican on the committee, Senator Lindsey Graham of South Carolina, praised Mr. Mukasey's response, saying: "I think Judge Mukasey did himself some good with this letter. He helped his cause with me."

But Mr. Graham, a former military lawyer who has said he believes that waterboarding is unquestionably torture, said he had "a couple of areas that I want to flesh out" before committing to vote in favor of confirmation.

The committee is scheduled to meet Thursday, but a vote at that time looked unlikely Tuesday night. An aide to Mr. Leahy said the committee was still waiting for what were expected to be Mr. Mukasey's voluminous written replies on a variety of subjects, including things like civil rights and antitrust law.

Mr. Mukasey, named by President Bush on Sept. 17 as his choice to succeed the much-criticized Alberto R. Gonzales as attorney general, was initially expected to face an easy confirmation. His name had been suggested by a Democrat, Senator Charles E. Schumer of New York.

But his equivocation at his Senate confirmation hearing on the question of whether waterboarding is torture, and his assertion that the president's constitutional powers can sometimes trump a particular law, drew sharp criticism from Democrats and human rights groups.

Waterboarding involves strapping a prisoner to a board, covering his face with cloth and pouring water over the cloth to produce a feeling of suffocation. Variations of the technique, designed to give a prisoner a feeling of imminent drowning, have been used for centuries.

* The C.I.A. used waterboarding against some high-level operatives of Al Qaeda at secret overseas sites, and it emerged as a symbol of the Bush administration's embrace of harsh physical pressure in interrogation.

Gen. Michael V. Hayden, the C.I.A. director, has said in recent speeches that of about 100 Qaeda suspects held since 2002 at the agency's secret jails, harsh interrogation techniques were used on fewer than one-third. A knowledgeable official said on Tuesday that waterboarding was used on three prisoners, the last time in 2003.

In still-secret legal opinions in 2005, the Justice Department ruled that even the toughest C.I.A. techniques, including waterboarding, were legal.

Pressed about waterboarding by Senator Sheldon Whitehouse, Democrat of Rhode Island, on the second day of his confirmation hearing, Mr. Mukasey replied, "I don't know what is involved in the technique."

That reply did not satisfy some senators, who noted that the technique had been widely described in the press. Four Democratic senators who are running for president, Hillary Rodham Clinton, Barack Obama, Joseph R. Biden Jr. and Christopher J. Dodd, said this week that they would not support Mr. Mukasey based on his initial testimony on waterboarding.

Waterboarding has also been a flash point among Republican presidential candidates. Last week, after Rudolph W. Giuliani, the former New York mayor, said he was not sure about waterboarding because he thought "the liberal media" might not have described it properly, Senator John McCain of Arizona, who was tortured as a prisoner in North Vietnam, shot back, saying it was a torture method used since the Spanish Inquisition.

Thursday, November 01, 2007

WASHINGTON POST

From the Desk of Donald Rumsfeld . . .

In Sometimes-Brusque 'Snowflakes,' He Shared Worldview, Shaped Policy

By Robin Wright
Washington Post Staff Writer
Thursday, November 1, 2007; A01

In a series of internal musings and memos to his staff, then-Defense Secretary Donald Rumsfeld argued that Muslims avoid "physical labor" and wrote of the need to "keep elevating the threat," "link Iraq to Iran" and develop "bumper sticker statements" to rally public support for an increasingly unpopular war.

The memos, often referred to as "snowflakes," shed light on Rumsfeld's brusque management style and on his efforts to address key challenges during his tenure as Pentagon chief. Spanning from 2002 to shortly after his resignation following the 2006 congressional elections, a sampling of his trademark missives obtained yesterday reveals

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But Johnson told the investigation that "he does not recall being advised that staff would be asking questions." Of four aides with Johnson before the briefing, three, including Walker, also said they also did not recall whether he was told. One said he clearly was not told, the FEMA official said.

"There is not a lot of consistency in terms of recollection of what was said, but it's clear from everyone that there was not an adequate briefing," the FEMA official said. "There was poor staff service of agency leadership."

Paulison said he had "tremendous confidence" in Johnson. He praised his deputy's honesty and ethics and the "ungodly amount of hours" Johnson has spent rebuilding the agency. "It wasn't intentional, but he was set up," Paulison said, "and he walked in there, and he didn't know everyone in the room."

In an earlier statement, Johnson said FEMA's intent was to provide information as soon as possible, and he apologized "for this error in judgment."

FEMA has announced it will give at least one hour's notice of future news conferences, allow only reporters to ask questions and no longer bar reporters listening on teleconference lines from asking questions.

WASHINGTON POST

OPINION:

Rage of Reason

By Eugene Robinson
Friday, November 9, 2007; A21

It's official: Bush Derangement Syndrome is now a full-blown epidemic. George W. Bush apparently has reduced more of his fellow citizens to frustrated, sputtering rage than any president since opinion polling began, with the possible exception of Richard Nixon.

That should be a pretty good indicator of where Bush will rank when historians get their hands on his shameful record -- in the cellar, alongside the only president who ever had to resign in disgrace.

A Gallup Poll released this week showed that 64 percent of Americans disapprove of how the Decider is doing his job. That sounds bad enough -- nearly two-thirds of the country thinks its leader is incompetent. But when you look more closely at the numbers, you see that Bush's abysmal report card -- only 31 percent of respondents approve of the job he's doing -- actually overstates our regard for his performance.

According to Gallup, if you lump together the Americans who "strongly" approve of Bush as president with those who only "moderately" feel one way or the other about him, you end up with about half the population. That leaves a full 50 percent who "strongly disapprove" of Bush -- as high a level of intense repudiation as Gallup has ever recorded in its decades of polling.

Gallup has been asking the "strongly disapprove" question since the Lyndon Johnson administration. The only time the polling firm has measured such strong give-this-guy-the-hook sentiment was in February 1974, at the height of the Watergate scandal, when Nixon's "strongly disapprove" number was measured at 48 percent. Bush beats him by a nose, but the margin of error makes the contest for "Most Reviled President, Modern Era" a statistical tie.

The Gallup Poll found that among Bush's shrinking Republican base, he has unusually strong support. Independents, though, have joined Democrats in the Bush Derangement Syndrome clinic: They, too, "strongly disapprove" of the job the president is doing.

Bush didn't come by this distinction with help from family connections or the Supreme Court. No, he earned it.

Look at the situation Bush's successor will inherit. Throughout much of the world, the United States is seen as an arrogant bully whose rhetoric about freedom and the rule of law is disgracefully empty. The lawyers and students who are being tear-gassed in the streets of Pakistan's cities will long remember that, when push came to shove, Bush chose to stick with a cooperative dictator, Gen. Pervez Musharraf, rather than live up to his words about the universal value of democracy.

The next president will be left with more than 100,000 U.S. troops bogged down in Iraq, with an unfinished war in Afghanistan -- and, between those two crises, a strengthened and emboldened Iran that hopes to dominate the world's most dangerous region. Nice work.

Bush's successor will, incredibly, assume control of a United States government that interrogates suspected terrorists with "enhanced" techniques known throughout the world by a much simpler term: torture. The new commander in chief will almost surely take custody of hundreds of people detained without formal charges and on questionable evidence, and held for years in secret CIA prisons or at Guantanamo. The next president will take over a government that claims the right to eavesdrop on U.S. citizens without meaningful judicial oversight.

Whoever takes office in January 2009 will be left with a more polarized economy -- an America where the rich have been made richer during the past six years with generous tax cuts, while more than 40 million people struggle without health insurance. The new president will be left with a government that not only failed miserably in its response to the most extensive natural disaster the nation has ever faced but that also reneged on

Bush's pledge to rebuild a better New Orleans -- and to make it possible for all those who lived in the city to return.

The next occupant of the White House will find the nation's coffers depleted by Bush's wars -- the price tag doubtless will have reached \$1 trillion by Inauguration Day -- and by whatever it eventually costs to keep the housing market afloat.

He or she will inherit, in short, a dismal mess. It will take most of the new president's first term to begin to set things right.

It's easy to understand why Americans have come to think of George W. Bush as the worst president in memory, perhaps one of the worst ever. What's hard to fathom is how we'll make it through the next 14 1/2 months. But who's counting?

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NEW YORK TIMES

November 9, 2007

Bush Loyalist Now Sees a White House Dangerously Soft on Iran and North Korea

By STEVEN LEE MYERS

Page A6

WASHINGTON, Nov. 8 — The White House's effort to challenge Iran's nuclear ambitions has been hobbled by "four and a half years of failed diplomacy." Its policy regarding North Korea is a dangerous fraud. It is pursuing an improbable Palestinian-Israeli peace at the expense of its stance against proliferation in the Middle East.

And that from a longtime Bush loyalist: John R. Bolton, the conservative lawyer who until less than a year ago was President Bush's proudly unwavering ambassador to the United Nations.

Mr. Bolton, long viewed by liberal critics as a villain on the Bush team, has since emerged as the administration's most outspoken critic from the right, rebuking his former boss in interviews, in op-ed articles and now in a book. For a man who rushed to Florida in 2000 to join the Bush campaign's legal fight during the disputed vote recount, the disappointment sounds personal.

"I didn't spend 31 days in Florida," he said, "to end up where we are now."

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the Fourth Amendment of the Constitution, requiring the government to obtain a warrant before reading the e-mail messages or listening to the telephone calls of its citizens, and to state with particularity where it intends to search and what it expects to find.

Compounding these wrongs, Congress is moving in a haphazard fashion to provide a "get out of jail free card" to the telephone companies that violated the rights of their subscribers. Some in Congress argue that this law-breaking is forgivable because it was done to help the government in a time of crisis. But it's impossible for Congress to know the motivations of these companies or to know how the government will use the private information it received from them.

And it is not as though the telecommunications companies did not know that their actions were illegal. Judge Vaughn Walker of federal district court in San Francisco, appointed by President George H. W. Bush, noted that in an opinion in one of the immunity provision lawsuits the "very action in question has previously been held unlawful."

I have observed and written about American life for some time. In truth, nothing much surprises me anymore. But I always feel uplifted by this: Given the facts and an opportunity to act, the body politic generally does the right thing. By revealing the truth in a public forum, the American people will have the facts to play their historic, heroic role in putting our nation back on the path toward freedom. That is why we deserve our day in court.

Studs Terkel is the author of the forthcoming "Touch and Go: A Memoir."

LOS ANGELES TIMES

EDITORIAL:

Inspecting the CIA

The spy agency chief's decision to have an important review handled internally raises questions of thoroughness.

October 29, 2007

Given the secrecy that shrouds the Central Intelligence Agency, it's impossible to say whether Director Michael V. Hayden's "management review" of the agency's internal watchdog is an exercise in accountability or an attempt at intimidation. But amid the controversy inside and outside the agency over "enhanced" interrogation techniques and the rendition of suspected terrorists to foreign jails, Hayden's decision to have a close aide review the work of CIA Inspector General John L. Helgerson is imprudent at best.

Hayden asked a team headed by Robert Deitz, his senior counselor, to review Helgerson's performance in light of unspecified "questions in my mind" about the inspector general's operation. What were those questions? The Times has reported that senior CIA officers have complained to Hayden that they were unfairly criticized by Helgerson in classified

reviews of the secret prisons program. That fact alone makes it unlikely that the review of Helgerson's performance will be "low key," as Hayden put it.

More likely, the review will be interpreted as an attempt to intimidate Helgerson and his investigators. Frederick P. Hitz, who served as the agency's inspector general from 1990 to 1998, told The Times that the CIA's rank-and-file will see the review as an effort by Hayden "to call off the dogs." Similar concerns have come from members of both parties in Congress. Sen. Christopher Bond of Missouri, the ranking Republican on the Senate Intelligence Committee, promised to ensure that "nothing is done to restrain or diminish" the inspector general's office.

Like any other official, an inspector general is capable of making errors or abusing his authority. But these watchdogs, the federal government's equivalent of a police department's Internal Affairs Division, do important work. Earlier this year, for example, Justice Department Inspector General Glenn A. Fine reported to Congress that FBI employees repeatedly failed to follow proper procedure in the issuing of national security letters, which allow the agency to obtain business and telephone records without a court order. Fine is now investigating whether former Atty. Gen. Alberto R. Gonzales misled Congress about the firing of U.S. attorneys and disagreements within the Bush administration over electronic surveillance.

If Hayden believed that Helgerson behaved improperly, he should have alerted Congress, the White House or the President's Council on Integrity and Efficiency, an agency established to evaluate the work of inspectors general throughout the government. By undertaking this management review on his own, the director -- whatever his motives -- has created the impression that a watchdog is being muzzled.

Citation: <http://www.latimes.com/news/opinion/la-ed-inspector29oct29.0,777433.story?coll=la-opinion-leftrail>

Tuesday, October 30, 2007

WASHINGTON POST

Fake FEMA Briefing Costs Official New Assignment

Missteps Too Common At Agency, Critics Say

By Spencer S. Hsu
Washington Post Staff Writer
Tuesday, October 30, 2007; A03

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"It's amazing to me that the president expects to be taken seriously when he says we cannot afford \$20 billion in investments in education, health, law enforcement and science, which will make this country stronger over the long term," Mr. Obey said in a statement.

"But he doesn't blink an eye at asking to borrow \$200 billion for a policy in Iraq that leaves us six months from now exactly where we were six months ago."

Mr. Bush, appearing at the White House with veterans and relatives of soldiers, warned Congress to move quickly to approve the added spending, though he did not make his final supplemental proposal until three weeks into the fiscal year.

"Congress should not go home for the holidays while our troops are still waiting for the funds they need," he said.

The Senate majority leader, Harry Reid, criticized the tactic that allowed the White House to pay for the war with emergency spending, keeping the costs off the budget. "The entire war has been paid with borrowed money," he said in the Senate.

The House speaker, Nancy Pelosi, said that the cost of less than 40 days in Iraq would pay for health-care coverage for 10 million children for a year.

The Democrats, however, lack enough votes to force any meaningful change in the administration's conduct of the war in Iraq or the way it is paid for.

While the bulk of the money requested would go to the Defense Department, the proposal also includes nearly \$800 million to support a United Nations peacekeeping mission and elections in Sudan; \$106 million for fuel oil under a deal with North Korea to dismantle its nuclear weapons program; and more than \$400 million in assistance to the Palestinians as part of the administration's efforts to nurture a peace treaty with Israel.

NEW YORK TIMES

October 23, 2007

C.I.A. Chief Defends Review on Agency's Inspector General

By MARK MAZZETTI

Page A22

WASHINGTON, Oct. 22 — The director of the Central Intelligence Agency on Monday vigorously defended the agency's examination of its own inspector general, calling it a

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“management review” intended to improve investigations by that independent internal watchdog.

The director, Gen. Michael V. Hayden, said he had ordered the review after hearing reports about the conduct of Inspector General John L. Helgerson that “raised questions in my mind” about how Mr. Helgerson’s office was carrying out its investigations of C.I.A. programs.

The comments by the director, in an appearance on the PBS television program “Charlie Rose,” were his first public remarks on the subject since news reports this month disclosed the existence of the internal review.

General Hayden did not specify what in particular concerned him about the investigations by Mr. Helgerson’s office. He said a small group led by Robert L. Deitz, a close aide to the director, had been working on the review since April and would deliver a report within “the next week or so.”

“This was designed to be low key,” he said.

The review has drawn criticism from Democrats and Republicans alike on Capitol Hill, who have suggested that it could have a chilling effect on Mr. Helgerson’s independence.

Mr. Helgerson’s office has investigated some of the most controversial programs undertaken by the agency since the Sept. 11 attacks, including its efforts to detain and interrogate leading terrorism suspects and its program of “extraordinary rendition”: the practice of capturing suspects and delivering them to authorities in other nations. ★

The inspector general’s investigations have bred resentment among some at the agency, who say the inquiries amount to second-guessing of C.I.A. operatives in dangerous field assignments.

NEW YORK TIMES

OPINION:

October 23, 2007
Op-Ed Contributor

Lawbreaker in Chief

By JED RUBENFELD

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New Haven

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Mr. Gannon said he thought the tapes became such an issue because they would have settled the legal debate over the harsh methods.

"To a spectator it would look like torture," he said. "And torture is wrong."

Monday, December 31, 2007

WASHINGTON POST

OPINION:

George Smiley's War

By Donald Gregg
Monday, December 31, 2007; A15

Many years ago I was given the job of making the final payment to a foreign diplomat who had worked as a recruited agent for the CIA. With the man's retirement, his covert relationship with the agency was ending. The old agent was in an expansive mood when we met, and he told me how much he valued his work for the CIA, not just because it had paid for his children's educations. The information he had passed along about his country and resulting U.S. actions "had stopped us from doing all kinds of stupid things," he said.

Today, such a conversation would be unlikely for many reasons, chief among them the current reputations of the CIA and of the United States itself. Our bungling of intelligence assessments before the invasion of Iraq and our mismanagement of the occupation; our continued unwillingness to talk to those with whom we disagree; and other missteps, including the mishandling and destruction of detainee interrogation tapes, have shrouded the White House, the Pentagon and CIA headquarters in an aura of incompetence.

★ In the name of the "war on terror," we have abandoned the moral high ground on issues such as prisoner detention, torture and rendition. The Bush administration has become so obsessed by the Sept. 11 attacks that, as former deputy secretary of state Richard Armitage puts it, we are exporting fear, not hope.

The targets and primary requirements of intelligence agencies change with time. Today's targets are tougher and more dangerous than anything I had to deal with. I worked primarily against the Soviets and the Chinese, and violence was rare. Today's case officers put their lives on the line as they pursue al-Qaeda and other terrorist groups. The draconian positions taken by the Bush administration make case officers' lives harder, not easier. The nightmarish images from Abu Ghraib and Guantanamo are bitter obstacles to the development of dialogue with potential recruits and make the threat of capture by Muslim fanatics all the more horrendous.

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Others who have worked in and studied the intelligence world have suggested taking steps to reinvigorate our intelligence and security community. Earlier this year, Richard Dearlove, the retired director of Britain's MI6 intelligence service, said that at the CIA "there are already solid foundations on which to rebuild" but that this will be a 10-year process. There are no quick fixes, he warned. Tim Weiner, author of the excellent CIA history "Legacy of Ashes," spoke in a television interview of the critical need for talented young people, with linguistic skills and a sense of history, to be willing to contribute years of anonymous service to their country.

Fortunately, such people exist. I frequently talk on college campuses and always refer positively to my 31 years with the CIA. Almost inevitably, a student waits after my talk to quietly express interest in becoming an intelligence officer. I encourage all such young people to learn a foreign language, read history and get some overseas experience.

Within the CIA itself, positive steps are already being taken. The current director has quietly brought back into the service some highly experienced, senior people forced out by his predecessor, Porter Goss. And George Tenet's unfortunate "slam-dunk" remark about Iraqi weapons of mass destruction should not obscure his solid, morale-restoring achievements, particularly in Afghanistan, during his long tenure as CIA director.

The CIA has had many ups and downs during its history. The late Meg Greenfield, the former editorial page editor of The Post, wrote a column in Newsweek, "The CIA Without Romance," in 1975 in which she dismissed former director Allen Dulles (as does Weiner in his book) by saying that "in Dulles the potential for disaster is everywhere apparent." She referred to Bill Colby, then the director, as "presiding over one of the great organizational wrecks of our time, a vast secret intelligence agency that has endured a veritable tornado of blown cover, and which is trying to get in line with a sudden demand for public accountability." (Sound familiar?)

In the end, as Greenfield voiced hope for the CIA's revival, she chose John le Carré's fictional hero, George Smiley, as embodying the key virtues of intelligence work. She wrote: "George Smiley has it all, and has it all just right: a fanatical commitment to the inspection of reality, a corollary distaste for daydream and drama, a willingness to make moral distinctions and an understanding of what the practical limits are." Le Carré was a British intelligence officer who served in Germany in the early days of the Cold War. He knew what he was writing about.

As we move into a new year and further into this tumultuous new century, we will need attributes such as Smiley's to best assess foreign threats. When we at last accurately perceive the nature of terrorist challenges, we will recognize that effectively dealing with them is largely a job for intelligence officers and paramilitary specialists. Such people, skillfully employing the scalpels of deep insight and, if necessary, excision, are far better guardians of our national security and our global reputation than those who indiscriminately wield the broadswords of threat, force, torture and death.

The writer was a career Central Intelligence Agency officer from 1951 to 1982, after which he served as national security adviser to Vice President George H.W. Bush, U.S. ambassador to South Korea and chairman of the Korea Society.

Wednesday, January 02, 2008

WASHINGTON POST

Events Near and Far Overshadow Bush's Agenda

By Amy Gardner
Washington Post Staff Writer
Wednesday, January 2, 2008; A02

On the first day of his last year in the White House, President Bush returned to Washington with an ambitious agenda for 2008, including tackling the mortgage lending crisis and securing more money from Congress for Iraq.

Those plans, however, face significant challenges, not the least of which are Bush's approval ratings and his ability to take national attention away from those campaigning to replace him.

Before boarding Air Force One after a week of vacation at his Crawford, Tex., ranch, Bush told reporters that he and his family had "a good rest."

"I'm looking forward to getting back to Washington to work on policies to keep this country safe and to keep this country prosperous," he said.

Those policies, White House counselor Ed Gillespie said on the airplane, include making permanent tax cuts set to expire in 2011 and doing more to help stabilize the housing market.

The president will also push to permanently revise the Foreign Intelligence Surveillance Act, to give the federal government more latitude to go after terrorists, and to persuade Congress to spend more on Iraq than just the "down payment" appropriated last month for war costs, Gillespie said.

Bush and his aides appear to be making a concerted effort to keep the president's agenda before the public, scheduling a trip for Monday, when Bush will lay out his plans personally.

Gillespie did not detail where Bush would go, but the trip is likely to run up against coverage of the Iowa caucuses tomorrow and the New Hampshire primary on Tuesday.

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