

Cheney's Lawyer Addington Penned Key Torture Memo

by Jeffrey Steinberg

David Addington, the General Counsel to Vice President Dick Cheney, was the actual author of one of the now-infamous White House "torture memos" that claimed for President Bush the authority to violate the Geneva Conventions on the Treatment of Prisoners of War, in the so-called "war on terrorism." The immediate result of this Hitlerian document was the scenes of inhuman torture at the Abu Ghraib prison in Baghdad, and the as-yet untold tales of similar torture at other secret prison locations in Afghanistan, at Guantánamo Bay, Cuba, and in other countries around the world.

The revelation that Addington was the author of the Jan. 25, 2002 draft memorandum for the President, first appeared in a July 3 report in *Newsweek* online. An unnamed aide to White House General Counsel Alberto Gonzales told the magazine's Daniel Klaidman, "The memo was actually penned not by Gonzales but by Dick Cheney's top lawyer, David Addington, a hard-charging hawk."

This news service has independently confirmed the accuracy of the *Newsweek* story, through several intelligence and legal community sources, familiar with the deliberations that preceded the writing of the January 2002 document, which President Bush approved.

According to one specialist in military law, familiar with the proceedings, Addington participated in all of the meetings that led to the drafting of the memo. Another intelligence community source confirmed that *Newsweek* had obtained on-the-record statements from Bush White House officials close to General Counsel Gonzales, in anticipation of an Administration effort to spike or discredit the story. One week after the *Newsweek* release, the Bush White House has made no effort to challenge the account of Addington's role.

Prior to the *Newsweek* posting, senior U.S. military and

intelligence sources had singled out Addington as a key player in the Cheney circles, who aggressively promoted the trashing of international law in the war on terror.

The Addington-authored Jan. 25, 2002 draft was followed, six months later, by the most infamous of the "torture memos," the Justice Department Office of Legal Counsel Aug. 1, 2002 document by Jay Bybee, directed to Gonzales, which set the standards for what constituted torture, under the jaundiced interpretations of international law from the Ashcroft department. The Bybee memo sanctioned "cruel, inhuman, or degrading" acts which "still do not produce pain and suffering of the requisite intensity to fall within Section 2340A's proscription against torture."

Cheney's man Addington was also directly involved in the preparation of the Bybee memo.

Cheney's Longtime Aide

Addington's ties to Dick Cheney date back 15 years, when he first served as a special assistant and Deputy Secretary of Defense to Cheney in the Bush "41" Administration. From 1992-93, he served as the Pentagon's General Counsel, leaving government when Cheney departed as Secretary of Defense in January 1993. When Cheney chose himself as George W. Bush's Vice Presidential running mate, he brought Addington to the White House as his General Counsel.

Addington has served as Cheney's legal bodyguard, fending off efforts by Reps. Henry Waxman (D-Calif.) and John Dingell (D-Mich.) to obtain records of the Vice President's energy task force, and later efforts by the General Accounting Office to force full disclosure of the task force's activities. Intelligence community sources have reported that the Cheney-led task force was actually the first of a series of secret

planning groups for the Iraq war.

In a lawsuit by the group Judicial Watch, a scant 16-pages of task-force documents have been made public, and none from Cheney's office; these documents reveal that the Cheney task force was mapping out oil concessions in Iraq, Saudi Arabia, and the United Arab Emirates—two years before American troops invaded Iraq.

Dust Bites Cheney!

Commenting on the Addington revelations on July 8, Lyndon LaRouche said: "Every indication is, that Cheney is near to the end of his string as Vice-President. The dropping of Cheney from the Republican ticket, is very bad news for the Kerry campaign. Since the aftermath of the March primaries, Bush and Kerry have been locked into a race to see which can get to the bottom first. If a mainstream Republican is seen as probable replacement for Cheney on the Presidential ticket, the resulting slow-down in the rate of collapse of Bush's popularity, could mean a likely November defeat for the recently proposed Kerry-Edwards pair.

"In reacting to today's updated reports on the pile-up of terrible troubles for Cheney's career," LaRouche pointed out, "we must not lose sight of the fact that neither of the presently probable tickets are mentally prepared to cope with the presently accelerating threat of global collapse of the world's monetary-financial system. The date that the world's financial collapse becomes official, is uncertain; but it will be soon. We don't need a new Herbert Hoover, either Democrat or Republican, with this financial collapse now coming on fast.

"So, it will be good for the world if Cheney is out very soon. Do not forget, that even after Cheney were gone, the real dangers still lie immediately ahead."

Cheney's Dr. Feelgood

Cheney's problems hardly end with the revelations about Addington and the torture memo. A growing faction of "moderate" Republicans are demanding Cheney's removal from the GOP ticket in November. The latest voice to weigh in for Cheney's ouster is former U.S. Senator Alfonse D'Amato (R-N.Y.), who told WINS radio in New York on July 7 that Cheney should be bounced, and replaced on the ticket by either Secretary of State Colin Powell or Sen. John McCain (R-Ariz.). The same demand had also been made publicly in an open letter by *Des Moines Register* publisher James Gannon, a well-known Midwest Republican.

According to one well-placed Beltway source, a group of prominent Republicans are already in discussions with senior GOP members of the U.S. Senate, in preparation for a "heart-to-heart talk about Cheney" with top officials at the Republican National Committee, to demand a change in the ticket.

An even more blunt assessment of the "Cheney factor" was published on July 8 in the Washington insiders leak sheet, *Capitol Hill Blue*, which claimed that Dick Cheney is the subject of a White House General Counsel's Office memo,

assessing the strong likelihood of the Vice President's indictment for bribery and corruption in the period he was Chief Executive Officer of Halliburton Corporation. The memo reportedly anticipates action by a French investigative magistrate, Renaud van Ruymbeke, who is probing an alleged \$180 million Halliburton slush fund set up to bribe Nigerian officials during the 1990s, while Cheney was running the company.

While *EIR* has no independent confirmation of the existence of this reported White House memo, sources in France have confirmed part of its alleged substance: that French magistrate Ruymbeke is in hot pursuit of Cheney around the Halliburton Nigeria bribes, and his investigation includes a probe of Halliburton money being siphoned into offshore accounts, that may have bankrolled Republican Party candidates in the 2000 elections.

The *Capitol Hill Blue* article, by the publication's editor Teresa Hampton, reported: "Those who have read the analysis say it presents a 'devastating' case against the Vice President and concludes Cheney has violated both the 'spirit and intent' of Federal laws on conflict of interest."

A "health reasons" pathway for Cheney's ouster may have been opened this week, with the *Washington Post's* revelations that the Vice President's personal physician, Dr. Gary Malakoff, has been addicted to a range of drugs, including cocaine, Stadol, Fiorinal, Codeine, Xanax, and Ambien since at least the late 1990s.

Malakoff, the doctor who, in July 2000, pronounced Cheney perfectly fit to serve as Vice President (Cheney suffered a further heart attack four months later), doctored his own medical records, to conceal his continuing addiction while he was on a rehabilitation program that allowed him to continue his medical practice and teaching duties at the George Washington University Medical Center. Dr. Malakoff was placed on the rehab program in 1999, prior to Cheney's Vice Presidential run. Between 1998-2001, according to the *Post*, Dr. Malakoff had 20 automobile accidents.

A spokesman for Cheney admitted to the *Washington Post* on July 8 that the Veep knew about Dr. Malakoff's addiction, but that Malakoff was dropped as Cheney's personal physician only very recently.

Asked to comment on the Malakoff revelations, LaRouche said that "Cheney is far more likely to go down due to his moral condition than his medical condition."

The Institutions Weigh In

Further compounding Cheney's difficulties is a growing institutional revolt against the unilateral imperial policy that the Vice President and his neo-conservative faction foisted upon the Bush Administration from Day One. In recent days, the tempo of leaks and open statements assailing the White House actions has accelerated, particularly from leading U.S. intelligence community and military figures of stature. LaRouche has referred to this upsurge as a mobilization of

“the patriots in the woodwork,” and as the slow, thoroughly-contemplated activation of the “institution of the United States Presidency.”

Indicative of this effort were the statements made on July 3, in a BBC interview, by Gen. Janis Karpinski, the Army Reserve officer who headed the American occupation prison system in Iraq until earlier this year. General Karpinski revealed that she had personally encountered an Israeli interrogator operating in one of the American-run interrogation centers in Baghdad. She told BBC’s Matthew Grant that she was visiting an intelligence center in Iraq with another coalition general. “I saw an individual there that I hadn’t had the opportunity to meet before, and I asked him what did he do there, was he an interpreter?—he was clearly from the Middle East. He said, ‘Well, I do some of the interrogations here. I speak Arabic, but I’m not an Arab. I’m from Israel.’”

While there have been source reports for months about Israeli interrogators working for the American-led occupation forces in Iraq, General Karpinski’s account of the incident represents the first time that an American government official has stated, on the record, that there are Israeli interrogators operating in Iraq. General Karpinski also told BBC that she was being made a “convenient scapegoat” for abuses at Abu Ghraib and other locations, that were actually ordered by others.

One well-informed U.S. intelligence official told *EIR* that the Cheney-Rumsfeld crowd made a big mistake when they tried to scapegoat the reserve general. “The military should never have pissed off General Karpinski. She is a smart, tough, successful lady,” the official said.

The Karpinski statements were further buttressed by another story posted in the past week on the website of *Newsweek* by *Boston Globe* reporter Dan Ephron. The story exposed a top-secret Israeli military interrogation center, merely known as “Facility 1391,” where Arab “terrorists” and leading Palestinian activists are subjected to the very same torture techniques exposed at Abu Ghraib.

Author Ephron interviewed a former inmate of Facility 1391, a Lebanese national member of the now-defunct Shi’a militia group, Amal, who returned to Lebanon in a prisoner swap about five months ago. The former Amal member, Mustapha Dirani, brought a lawsuit against Israel and the interrogator, “George,” who tortured him, asking for damages in the amount of 6 million shekels (a little more than \$1 million). According to *Ha’aretz*, Dirani’s Israeli lawyer told the court that the treatment of Dirani was “a Nazi act.”

Dirani told *Newsweek*, “It’s the same style as Abu Ghraib.

They take advantage of the fact that Arabs and Muslims are culturally conservative.” Dirani said that in the first days that he was at Facility 1391, he was “raped by an Israeli soldier.”

The CIA Takes on Porter Goss

In another highly unusual development, three top CIA officials have come out swinging against Rep. Porter Goss (R-Fla.), the chairman of the House Select Committee on Intelligence, and a Cheney favorite to be installed as interim Director of Central Intelligence (DCI) on the departure of George Tenet. On June 23, Goss’ Republican majority on the committee inserted a caustic attack on the CIA into an intelligence authorization bill, branding the Agency a “dysfunctional organization,” and proposing to turn over major responsibilities and budget control to the Pentagon, where Straussian Stephen Cambone is Rumsfeld’s new Undersecretary of Defense for Intelligence. That post was created in March 2003, specifically to challenge the CIA Director for control over America’s intelligence assets.

The very next day, a letter from outgoing DCI George Tenet was posted on the CIA’s open-source website, blasting Goss, and defending the Agency’s high-priority focus on global terrorism, weapons proliferation, and the ongoing crisis in Iraq.

Tenet’s letter was dated June 23, the same day that his deputy, the new Acting DCI, John McLaughlin, delivered a similar attack on the Agency’s critics to a meeting of Business Executives for National Security (BENS). McLaughlin went directly at the Cambone putsch attempt, demanding that the Director of Central Intelligence remain the CIA director, with even greater authority over the military intelligence assets.

Two days earlier, James L. Pavitt, the outgoing Deputy Director of the CIA for Operations, spoke at the Foreign Policy Association, on the same themes. He warned the audience that there are some people in Washington who wish to use the occasion of the Tenet and Pavitt departures from the Agency to stage a radical reorganization. “Some have said my retirement and George Tenet’s resignation create the ‘perfect storm’ for radical restructuring in the intelligence community. Let me remind you that in the book and the movie, ‘The Perfect Storm,’ the ship sank and the crew drowned.”

Cheney’s angst over the new vacuum at the top of the CIA is straightforward: With no strong leader in place, politically loyal to the White House, there are no holds barred on Agency leaks targeting the neo-con cabal that has attempted to scapegoat the CIA for their own fantasy-driven mistakes in Iraq.

The intelligence wars that have now erupted will form a crucial backdrop to the “hot phase” of the Presidential and Congressional elections in November. The “patriots in the woodwork” factor, as LaRouche described it, may prove to be decisive, and this is very bad news for Dick Cheney, a man with so much to hide.

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