

# THE ERRORS OF TELLING OF LEON PANETTA'S ERROR

By my count there are 27 paragraphs in the Daily Beast's breathless attempt to un-ring Leon Panetta's bell for him—to tell a story in which Panetta's revelation that the CIA had an assassination program it had not briefed Congress on was all a big misunderstanding. It takes novelist Joseph Finder, who wrote this story, until paragraph 23 to reveal the context of HPSCI's reaction to Panetta's briefing on the program that hadn't previously been briefed.

More seriously, this controversy has given ammunition to congressional efforts to broaden CIA briefings. Instead of allowing the CIA to limit disclosure of the most sensitive, most highly classified stuff to just the "Gang of Eight"—the leaders of those committees and of the House and Senate—they want to require the CIA to brief the full membership of the intelligence committees.

Somehow, Finder neglects to provide his readers that information where it chronologically makes sense—between the time Panetta briefed Congress on June 24 ...

On June 23, in the course of a routine briefing by the head of the National Counterterrorism Center, Panetta first learned about the assassination squads. Alarmed, he terminated the program at once and called the chairman of the House Intelligence Committee, Rep. Silvestre Reyes (D-TX). He told Reyes he'd discovered something of grave concern, and requested an urgent briefing for the House and Senate intelligence committees as soon as

possible. Less than 24 hours later, he was on the Hill, "with his hair on fire," as a Republican member of the House committee put it. "The whole committee was stunned," said Rep. Anna G. Eshoo (D-CA).

And when he describes them leaking the letter and turning this into a big stink.

Afterward, seven Democratic members of the House Intelligence Committee sent Panetta an indignant letter: "Recently you testified that you have determined that top CIA officials have concealed significant actions from all members of Congress, and misled members for a number of years from 2001 to this week," the Democratic lawmakers wrote. They demanded he "correct" his statement back in May that the CIA does not mislead Congress.

Ten days later, one of them leaked the letter.

That is, Finder totally neglects to mention the full chronology, which looks something like this:

June 24: Panetta's briefing on this program

June 26: HPSCI passes a funding authorization report expanding the Gang of Eight briefings

July 8: The Administration responds with an insulting appeal to a "fundamental compact" between Congress and the President on intelligence matters

July 8: Reyes announces CIA lied to Congress

In other words, there is a clear correlation here, between the Administration's refusal to

fix a system that contributed to massive domestic and international law-breaking, and between this investigation. HPSCI pretty clearly made this stink in response to Obama's response to their attempts to fix a broken system.

Big whoop. It's not like the investigation isn't long overdue in the first place.

But Finder makes the possibility that Panetta's briefing—and not Obama's refusal to allow HPSCI to proactively fix this problem—would elicit the calls to fix the Gang of Eight system.

Which brings me to Finder's next laughable story-telling tactic. He pretends that the CIA hasn't violated the National Security Act, repeatedly. And he does so with a snotty—but factually incorrect—shot at Nancy Pelosi's correct claim (one that Porter Goss agrees with) that CIA didn't brief her about Abu Zubaydah's torture until it was too late.

A lot of Democrats had been waiting for this moment: an opportunity to shine daylight on the abuses of intelligence during the Bush-Cheney years. House Speaker Nancy Pelosi, an object of controversy, even ridicule, after charging that the CIA had lied to her about waterboarding, now felt vindicated.

If you weren't already sure that this was more CIA propaganda directed at Congress, that should be a siren-like sign that it is.

But of course, Finder pretends there isn't already massive evidence the CIA has violated the National Security Act, partly by making almost no mention of the 2001 shoot-down of a missionary plane in Peru.

A staffer on the oversight committee told me that, although Panetta's disclosure will be the main event, there are two other areas of "concern," including an incident that occurred in

2001.

This is an event that even Crazy Pete Hoekstra is furious about. But Finder would like to pretend there's no there there, either.

And as to the main thrust of his story, that there's no there there in the assassination program? Well, if you hadn't already decided Finder had zero credibility, consider this. The entire premise of Finder's tale is that the assassination program was no more than a PowerPoint.

But once Panetta had spoken with Tenet, Goss, and Hayden, he learned that this secret "program" wasn't much more than a PowerPoint presentation and a task force assigned to think it through.

He says there was no reason to brief Congress.

Nor did [Hayden] brief Congress, according to this associate, because it didn't approach the legal threshold. It was hardly "significant anticipated action" that obligates a congressional briefing, and it wasn't clear that it would ever in fact lead to covert action. This was still in the exploratory, intelligence-collection stage.

But then claims that Congress had already been briefed.

Congress had already been briefed, repeatedly, on the White House order to kill terrorists.

Which sort of suggests it was worthy of being briefed.

And Finder admits that—contrary to all his claims about programs going live or not—it did go live in one country.

"Sensitive information" had been collected in a single foreign country, my sources tell me.

For a guy claiming he's sure he knows what the program is, Finder's own tale is pretty contradictory.

Now, there is something mighty curious about this article. While Finder boasts of using "a half-dozen sources, including several very senior, recently retired CIA officials, clandestine-service officers, and Cabinet-level officials from the Bush administration," his discussion of Panetta's conversations with Tenet, Goss, and Hayden all seem to come from their side.

Panetta "as much as admitted" to them (in the words of one CIA insider) that he'd misunderstood. Without explicitly apologizing, he assured the men—whom he'd in effect accused of breaking the law—not to worry: The whole thing would quietly go away.

Which is pretty damn interesting, given that this ends up being a call for Panetta's firing.

Not only has Panetta become deeply unpopular within the agency, but, as these recent events demonstrate, Panetta—honorable, decent, savvy—probably wasn't the best choice after all.

(And note seemingly-related attempts on Panetta's part to deny he's being fired.) Now, if these guys really believe that Panetta accused them of breaking the law—three guys that, well, we know to have broken the law—then maybe we shouldn't really accept their side of the story.

And if all that hasn't convinced you this story is a piece of shit, tell me who this sounds

like.

As one very former, very senior Bush administration official said to me in annoyance, "You know what? Let's videotape them all. And when some important covert action gets torpedoed by the those guys on the intelligence committees and then we get hit again, let's put those tapes up on YouTube for everyone to see who disarmed us. See what they think. It cuts both ways."

Whichever of the two people who hang around man-sized safes this is, his presence in the story surely doesn't recommend its truthfulness or judgment about legality.

It's a nice tale this guy Finder has written. But there's zero reason to believe it—like the rest of his work—is anything but fiction.