

WHERE WERE THESE DEMS ASKING ABOUT CIA-ON-THE-HUDSON DURING BRENNAN'S CONFIRMATION?

I have always been a huge fan of what Thomas Perez has done in DOJ's Civil Rights Division. But this sentence, from Adam Serwer's query on what happened to DOJ's review of the CIA-on-the-Hudson, ought to give pause.

Since taking office, the special litigation section of the civil rights division has investigated more local police departments for unconstitutional policing than ever before, but never on behalf of American Muslims profiled by law enforcement.

But the rest of Serwer's piece barely touches a big missed opportunity – and, potentially, an explanation for why DOJ has slow-walked its investigation of the profiling of Muslims in NYC. Serwer notes that Brennan complimented the program, in contrast to Eric Holder's stated concerns about it.

Although Holder referred to the reports of the NYPD's actions as "disturbing," that's not the view of everyone in the Obama administration. CIA Director John Brennan, formerly a top White House counterterrorism adviser, praised the NYPD's surveillance program in April 2012. "I have full confidence that the NYPD is doing things consistent with the law, and it's something that again has been responsible for keeping this city safe over the past decade," Brennan said.

Brennan is not just the former White House counterterrorism [and homeland security] czar, but he's also the guy who, when CIA-on-the-Hudson was being set up in the days after 9/11, was in charge of logistics and personnel at the CIA. Which means there's a pretty decent chance he had a role in dual-hatting the CIA guy who operated domestically to help NYPD spy on Americans.

But Brennan's role in finding a way to use CIA tactics domestically barely came up in his confirmation hearings. As I noted, he was asked whether he knew about the program (and acknowledged knowing about it), but he was not asked – at least not in any of the public materials – whether he had a role in setting it up.

Sort of a key question for the guy now in charge of the entire CIA, whether he thinks the CIA should find loopholes to get around prohibitions on CIA working domestically, don't you think?

Serwer names several House Democrats – Rush Holt, Mike Honda, Judy Chu – who have been asking about this investigation. Obviously, they didn't get a vote on Brennan's nomination. But it seems the nomination period would have been a very good time to ask questions about how and why, at a time when Brennan played a key role in logistics and personnel at the agency, the government decided to set up this workaround. Asking at that time might have clarified why it is that the Administration seems uninterested in investigating this program.

As it is, we're now left with a guy who publicly applauded such work-arounds – and CIA involvement through cooperation in fusion centers – in charge of the entire CIA.