

# THE REVOLT OF THE SPOOKS

(Or Is it Civil War?)

There has been a lot of hand-wringing in this post, suggesting that the story revealing some Democratic members of the Gang of Four was a hit piece by Republicans (or, specifically, Porter Goss). That strikes me as an overly Manichean view of things, in which an article that makes Democrats look bad could only be a Republican hit piece. There's another party in this equation—the Intelligence Community. The events of the last ten days make more sense, it seems to me, if you consider all of those events as a revolt on the part of the Intelligence Community.

Start with the release of the NIE. Pat Lang passes on the explanation that the NIE was declassified after "intelligence career seniors" threatened to leak the NIE to the press, legal consequences be damned.

The "jungle telegraph" in Washington is booming with news of the Iran NIE. I am told that the reason the conclusions of the NIE were released is that it was communicated to the White House that "intelligence career seniors were lined up to go to jail if necessary" if the document's gist were not given to the public. Translation? Someone in that group would have gone to the media "on the record" to disclose its contents.

Dafna Linzer and Peter Baker provide the polite version—but still point to a senior intelligence officer who describes making the decision in the first person plural.

By last weekend, an intense discussion broke out about whether to keep it secret. "We knew it would leak, so honesty required that we get this out

ahead, to prevent it from appearing to be cherry picking," said a top intelligence official. So McConnell reversed himself, and analysts scrambled over the weekend to draft a declassified version.

So somewhere in the ranks of the "career seniors" and the "top intelligence officials" some folks made a decision to confront Dick Cheney's war-mongering directly. That's a pretty serious escalation of the long-brewing conflict between Cheney and the Intelligence Community.

Then there's the blockbuster by Mark Mazzetti (NYT's intelligence reporter) revealing the destruction of the torture tapes. He sources it to:

current and former government officials  
several officials  
current and former government officials  
former intelligence official who was briefed on the issue

But not Porter Goss (who would otherwise qualify as a "former government official"); Goss declined to comment through a spokesperson. And also not Michael Hayden, who wrote a letter to pre-empt Mazzetti's story that provides a laughable party line for CIA officers to parrot.

Now, there's nothing that says Mazzetti's sources, save the last one (who provided the most detail about the rationale for making the tapes) were intelligence officials. Indeed, Mazzetti includes a link to the DOJ letter to Leonie Brinkema on the recently discovered tapes, suggesting he has been mucking around at DOJ, too (Eric Lichtblau, NYT's DOJ reporter, gets credit on the article). Clearly though, much of this story comes from some people within the CIA who were closely involved with the decision to make the tapes, but who don't necessarily approve of the decision to destroy

them.

In the ensuing uproar over this, focus has shifted from the timing of this story. Few people have asked, for example, whether the uproar over this story is going to make it harder for Bush to veto the Intelligence Authorization Bill which would require the CIA to abide by the interrogation techniques described in the Army Field Manual—effectively prohibiting CIA use of waterboarding. Or, will the scrutiny that this story will bring make it easier to summon the two-thirds majority to override a Bush veto? While I can't guarantee it was intentional, I'd say the story on the destroyed terror tapes benefits those in DOJ and CIA who would like CIA to stop using methods considered torture. My amateur understanding is that that is by no means everyone at CIA—but that there are significant numbers who are uncomfortable with CIA officers engaging in activities that will expose them to legal difficulties in the future.

Congress' apparent bi-partisan response to the news of the torture tape destruction was outrage directed at the intelligence community (though Pat Roberts may be an exception to this; he remains mum on the whole issue). Of note, the HPSCI threatened to hold hearings on the entire process of interrogations, rather than just the destruction of the torture tapes.

And, voila, we get the story revealing that Congressional leadership—including some of the same Members of Congress launching investigations into CIA's interrogation methods—were briefed on them and, with the apparent exception of Jane Harman, did not object right away. For those who complain that the Pelosi comments in the WaPo had to have come from a Pelosi enemy, she issued a statement that in no way contradicts the depiction in the WaPo.

House Speaker Nancy Pelosi, among the lawmakers who attended the briefing, issued a statement on Sunday saying that she eventually did protest the

techniques and that she concurred with objections raised by a Democratic colleague in a letter to the C.I.A. in early 2003.

That is, she did not raise objections when she first attended briefings in 2002, as the HPSCI Ranking Member. She only later "concurred" in objections, presumably the objections Jane Harman raised after she replaced Pelosi as HPSCI ranking member. So when Congress was briefed in 2002, it appears, they gave legal sanction to the methods they were briefed on. It matters little that Pelosi has been replaced by Reyes and Graham by Jello Jay and Goss by Hoekstra; what matters is that when Congress had the opportunity to intervene, it did not do so.

Which, if I were the CIA about to undergo painful Congressional inquiries into past practices, I would want to be clearly established.

So here's what has happened in the last 10 days. The Intelligence Community has severely undercut Dick Cheney's propaganda efforts and threatened his plans to bring us to war. Someone—perhaps DOJ or perhaps CIA or perhaps both—has made it a lot harder for Bush to veto a bill getting the CIA out of the waterboarding business. And, at the same time, CIA has made it crystal clear that the waterboarding itself—as distinct from the destruction of the torture tapes—had legal sanction from Congress' top intelligence leaders.

That all makes sense to me, in a way that doesn't require the involvement of Republicans smear masters at all.

One more note. I suggested this might be a civil war within the CIA. That's premised on two things. First, as far as I understand it, CIA officers are split over whether they think CIA should be in the waterboarding business. If so, the leak on the torture tapes may well be an attempt to force the issue on the part of those

opposing torture. Furthermore, there's an interesting chronology, in which the briefings and legal approval for torture happened before Porter Goss' tenure (when he was giving it legal sanction in Congress), whereas the destruction of the tapes happened during Goss' tenure as DCI. And, voila, the officer who had the most direct clash with Porter Goss before he resigned to protest Goss' cronyism, Steven Kappes, is back in a senior position at CIA. So this may be a fight between the Gosslings and the professionals. But even granting Porter Goss' Republican affiliation, that doesn't mean any of this is a partisan fight.