

CONYERS INVOKES THE CIA INSPECTOR GENERAL REPORT ON TORTURE

In a HuffPo column arguing for a Commission to look into Bush era crimes, John Conyers mentions something people on the Hill rarely talk about: the 2004 CIA Inspector General report on torture.

Nor do I agree that the relevant facts are already known. While disparate investigations by Committees of congress, private organizations, and the press have uncovered many important facts, no single investigation has had access to the full range of information regarding the Bush administration's interrelated programs on surveillance, detention, interrogation, and rendition. The existence of a substantially developed factual record will simplify the work to come, but cannot replace it. Furthermore, **much of this information, such as the Central Intelligence Agency's 2004 Inspector General report on interrogation, remains highly classified and hidden from the American people.** An independent review is needed to determine the maximum information that can be publicly released.

Conyers links to this Jane Mayer interview about the report by way of explaining the significance of the report.

One of the lingering mysteries in Washington has been what happened to the CIA internal probe into homicides involving the program. You note that CIA Inspector General (IG) John Helgerson undertook a study and initially

concluded, just as the Red Cross and most legal authorities in the United States and around the world, that the program was illegal and raised serious war crimes issues. Helgerson was summoned repeatedly to meet privately with Vice President Cheney, the man who provided the impetus for the program, and it appears as a result of these meetings the IG's report was simply shut down. Would those probes have brought into question the Justice Department's specific approval of torture techniques used by the CIA—approval that involved not just John Yoo, but much more specifically Michael Chertoff and Alice Fisher, the two figures who ran the criminal division?

The fact that John Helgerson—the inspector general at the CIA who is supposed to act as an independent watchdog—was called in by Cheney to discuss his tough report in 2004 is definitely surprising news. Asked for comment, Helgerson through the CIA spokesman denied he felt pressured in any way by Cheney. But others I interviewed have described the IG's office to me as extremely politicized. They have also suggested it was very unusual that the Vice President interjected himself into the work of the IG. Fred Hitz, who had the same post in previous administrations, told me that no vice president had ever met with him. He thought it highly unusual.

Helgerson's 2004 report had been described to me as very disturbing, the size of two Manhattan phone books, and full of terrible descriptions of mistreatment. The confirmation that Helgerson was called in to talk with Cheney about it proves that—as early as then—the Vice President's office was fully aware that there were allegations

of serious wrongdoing in The Program.

We know that in addition, the IG investigated several alleged homicides involving CIA detainees, and that Helgerson's office forwarded several to the Justice Department for further consideration and potential prosecution. The only case so far that has been prosecuted in the criminal courts is that involving David Passaro—a low-level CIA contractor, not a full official in the Agency. Why have there been no charges filed? It's a question to which one would expect that Congress and the public would like some answers. Sources suggested to me that, as you imply, it is highly uncomfortable for top Bush Justice officials to prosecute these cases because, inevitably, it means shining a light on what those same officials sanctioned. Chertoff's role in particular seems ripe for investigation. Alice Fisher's role also seems of interest. Much remains to be uncovered.

There's more (badly transcribed) from Mayer's book here, and here's an earlier post reflecting on ties between the report and the destruction of the torture tapes.

Now, Conyers' mention of the IG report takes up just one line in a larger argument in favor of an independent Commission (click through to read the whole thing), so it's not like he is focusing exclusively on this report. But, as I said before, when I've raised this report with staffers on the Hill they usually just look at me blankly, without acknowledging that such a report exists (or existed). Heck, Conyers himself barely mentions the report in his almost 500-page report on Bush's abuse of power (see page 128 for what I believe is the only reference to the CIA IG report).

And yet Conyers links to an account of the report that focuses on the role of Michael

Chertoff and Alice Fisher—as DOJ officials, solidly in the jurisdiction of the House Judiciary Committee—as the prime example of secrets that remain hidden behind classification practices.

That sure seems to support my suspicion that the report is one key to unraveling the Bush Administration authorization of—and subsequent cover-up of—torture.