

PELOSI: OF HIDDEN MEMOS AND COVERT OPS HIDDEN IN SUPPLEMENTALS

I wanted to point out two more details from the Pelosi press conference the other day when she made her comments about briefings on torture (the complete transcript of this section is below).

First, Pelosi points out that one thing BushCo did was put intelligence-related appropriations through without telling the intelligence committee what they were putting through.

Q: Does this call into question the value of the briefing then, if they are not telling you fully...

Speaker Pelosi. I have questioned the values of the briefings over and over and over again. We only know what they choose to tell us and the manner and time in which they tell us. And that is why when people are talking about – whether they are talking about torture, or whether they are talking about wiretapping, or whatever you are talking about, we really have to have a change now in how Congress can do its oversight, because we expect and demand the truth.

And that's why I, when I became Speaker, established this joint committee between the Appropriations Committee and the Intelligence Committee, because the fact is they really were not fully briefing the Intelligence Committee. And they have to answer to the Appropriations Committee because that's where their funding comes from.

It is a long story, it's an evolution.

It used to be the Intelligence Committee – you couldn't appropriate unless the Intelligence Committee authorized. It was almost effectively an appropriation. Over time the **Intelligence in the Bush years became part of supplementals so there was absolutely no sharing of information.** They would just stick the request in the supplementals. We said, "Okay, if they are going right to appropriations, we will have members of the Intelligence Committee serve in this hybrid committee, part Intelligence, part Appropriations." [my emphasis]

We know that BushCo briefed Toobz Stevens and Daniel Inouye on the warrantless wiretap program in December 2001. (Yeah, I know. There's a twosome I want guarding my civil liberties.) I wonder if they got more substantive briefings than the Gang of Four?

And of course, we know the entire Iraq War was paid for on supplementals. So there were billions and billions of dollars to sneak illegal programs through.

And finally, a point klynn and Sara have been making—the guys who did this torture were contractors, not CIA officers. Which means they only had to get Uncle Toobz and his buddy Inouye to approve a contract in an emergency supplemental. And voila! We've got state-sanctioned torture!

Pelosi also referenced memos they had previously not known of:

When you are there, you only have the benefit of the information that they give you. You don't even know if there are other opinions, and that's what we wanted to find out, and now we are finding out that there were.

I don't know if she's referring to just the 2007 memo Spencer scooped, the 2003 memo described by

the WaPo last year, or whether there are others. My guess, of course, is that there are more memos—and I'm betting that 2003 one includes reference to use of drugs in interrogation.

But one thing is clear: even Pelosi is still learning new details of the torture program. There's a lot more to come yet.

Here's the transcript:

Q: The Senate Intelligence Committee yesterday put out a timeline of sort of what went on with regard to the interrogation practices...

Speaker Pelosi. Dana, could you hold on?

Does anybody have a question on the agenda as we go from here? I am happy to change the subject if that's what you want to do. Okay.

Q: And made clear that in the fall of 2002 key members of the Intelligence Committee, including yourself, were briefed on interrogation methods, including water boarding. At the time you were briefed, did you raise objections?

Speaker Pelosi. It is not appropriate for me to talk about what happens at briefings. It is very interesting that people are talking so freely. But I can say this: they have been talking about it for a while. At that or any other briefing, and that was the only briefing that I was briefed on in that regard, we were not – I repeat, we were not told that water boarding or any of these other enhanced interrogation methods were used.

What they did tell us is that they had some legislative counsel – the Office of Legislative Counsel opinions that they could be used, but not that they would. And they further – further, the point was that if and when they would be used, they would brief Congress at that time, A.

B, I know that there are some different interpretations coming out of that meeting. My colleague, the Chairman of the committee, has

said, "Well, if they say that it's legal, you have to know that they're going to use them." Well, his experience is that he was a member of the CIA and later went on to head the CIA. And maybe his experience is that if they tell you one thing, they may mean something else. My experience was they did not tell us they were using that. Flat out. And any – any contention to the contrary is simply not true.

Now, to your second point, there is no ability for Members to take this anyplace because you cannot even take it to your other colleagues on the committee. They are talking about what their certain legal opinions are. That's what they're telling you. However, what I have tried to do when I became – in the light of these things is to say that it's the responsibility of the executive branch, which controls all of that, to inform the committee, the Intelligence Committee, because the Intelligence Committee has to vote on these issues, has to make important decisions about them, and they don't even know it's happening. And you can't tell them. And I have always been truly faithful to never disclosing, because that is what the law is, what happens in those briefings.

And so, you know – flat out – they never briefed us that this was happening. In fact, they said they would if and when they did?

Q: This is obviously very important...

Speaker Pelosi. It is.

Q: In the filing that was released, it was by the Senate Intelligence Committee yesterday – I am sure you are aware of it.

Speaker Pelosi. Yes.

Q: It does pretty specifically talk about the fact that Abu Zubayda, they started using these tactics, including water boarding in 2002 and continued doing it in 2003 and 2004.

Speaker Pelosi. I was not briefed on that.

Q: And in the fall, 2002, after the use of

interrogation techniques on Abu Zubayda, CIA records indicate that the CIA briefed the Chairman and Vice Chairman of the Committee on Intelligence

Speaker Pelosi. They didn't tell us that. They may have briefed us on something, but they did not brief us to that effect. They can say whatever they want, but the fact is they did not brief us in that regard.

Now, people hear things and say, "I would have concluded that they would have done that because the CIA, their business is deception." And if Mr. Goss read something into it from his experience in the CIA, or what he learned later when he became Chair – head of the CIA, that is something quite different than my experience, which is as a Member of Congress I expect when somebody tells me something, they are telling me the truth.

Q: Does this call into question the value of the briefing then, if they are not telling you fully...

Speaker Pelosi. I have questioned the values of the briefings over and over and over again. We only know what they choose to tell us and the manner and time in which they tell us. And that is why when people are talking about – whether they are talking about torture, or whether they are talking about wiretapping, or whatever you are talking about, we really have to have a change now in how Congress can do its oversight, because we expect and demand the truth.

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authorized. It was almost effectively an appropriation. Over time the Intelligence in the Bush years became part of supplementals so there was absolutely no sharing of information. They would just stick the request in the supplementals. We said, "Okay, if they are going right to appropriations, we will have members of the Intelligence Committee serve in this hybrid committee, part Intelligence, part Appropriations."

But as we go forward, it is not just about torture. It's about how we collect intelligence to protect the American people. And that is a very serious responsibility of Congress to do the proper oversight and to work with the administration, whatever the party, in a very nonpolitical way to get this done.

Q: At the time when you did receive these legal opinions, as you put them, did you raise any objections, legal, moral or otherwise?

Speaker Pelosi. That's not the point, Mike. The point is they come in to inform you of what they are doing. What my point was, are they doing this? No, they're not doing it. And then to leave there to see what recourse we had, which was none.

Q: But certainly you had the right and even responsibility to...

Speaker Pelosi. You would have to – you would have – same thing with wiretapping. This is what they're doing. That's all they do. They don't come in to consult. They come in to notify. They come in to notify. And you can't – you can't change what they are doing unless you can act as a committee or as a class. You can't change what they are doing.

Q: Going forward now, this information is in the public realm. How do you favor approaching any investigations on how this all came out?

Speaker Pelosi. I have always been for a truth commission, because I think this is very important. The question that was there was

should there be immunity or not. I don't think there should be total immunity. I think it should be a case by case basis. Maybe there are some cases where immunity is appropriate; maybe there are some cases where it is not. But I don't think that we should just say everybody who comes into that room takes an immunity bath; just because they showed up that day, they have immunity.

Q: Are you talking about the Justice Department people that gave the opinions, or the people that carried out the actual enhanced interrogations?

Speaker Pelosi. I think the White House – the Administration and the Justice Department have been very clear. They have said those who acted upon these legal opinions by following orders would not be pursued, if that's the word.

Investigated. Whatever.

My question is that's one thing when you go down with the ruling and the direction. What is it about those who made those rulings? And what about those above who may have directed those rulings or acted upon those rulings? Those who are making policy? I think you have to make a distinction between those who are implementing the policy and those who are making the policy.

The President has said those who were implementing it on the strength of these legal opinions would not be pursued. I did not hear in that statement from the Attorney General that it applied to others above. I think that's an appropriate pursuit for a commission.

But let me just be very clear about this. These are not glory days for our country in terms of this enhanced interrogation and the rest and in terms of how information is acquired in our country outside the law. It is clear now that that has happened. When you are there, you only have the benefit of the information that they give you. You don't even know if there are other opinions, and that's what we wanted to find out, and now we are finding out that there were.

The bigger point, the bigger point is not to absolve them by casting aspersions. The bigger point is how do we open this up so that Members are not actually more hamstrung by being briefed than they would be not briefed. You have more freedom to make inquiry, pursue questions, challenge decisions if you don't have the briefing than you do if you do have the briefing. And that is what has to change.

As a member of the Intelligence Committee, I thought I was being briefed until I became a senior member, and then I realized that the members of the committee are not privy to a great deal of information. And that simply is not right, and we fought to expand that, which we have expanded a little bit now in this administration. Hopefully we can expand it further. We are looking to our legislative prerogatives to see if we can do that.

But don't leave anybody with the impression that some of the things that they were doing, that there was something that was tacitly or in any way received approval from us because we were bound by our commitment not to speak outside the meeting.

And that really is not – it is a bad idea, and for that reason some Members don't even want to be briefed because they want to make the fight. And they're acting under the law. You should be able to operate under the law in other ways as well.