

“IF YOU’RE TRYING TO COMMIT A CRIME,” YOU WOULDN’T BRIEF DEMOCRATS

I’ve been meticulously tracking the erroneous claims made about whether or not Democrats got briefed on torture because:

- The known briefing schedule makes it clear that CIA broke the law requiring them to inform Congress of their actions
- Some of the arguments rely on either illiteracy or willful ignorance of the public record in their claims

But in today’s hearing Lindsey Graham makes clear why the Republicans are arguing this point so aggressively.

Now. I don’t know what Nancy Pelosi knew and when she knew it. And I really don’t think she’s a criminal if she was told about waterboarding and did nothing. But I think it is important to understand that members of Congress, allegedly, were briefed by ... about these interrogation techniques. And again, it goes back to the idea of what was the Administration trying to do. If you’re trying to commit a crime, it seems to me that’d be the last thing you’d want to do. If you had in your mind and your heart that you’re going to disregard the law, and you’re going to come up with interrogation techniques that you know to be illegal, you would not go around

telling people on the other side of the aisle about it.

Ahem.

Yes.

That's the point now, isn't it?

Because **no one** in Congress was told that the CIA was going to start torturing in 2002, until it was too late. Pelosi and Goss were told, after CIA had waterboarded Abu Zubaydah 83 times, that CIA might waterboard in the future. Bob Graham was not told of waterboarding at all, according to him. Jello Jay was not at the briefing at which CIA told Pat Roberts "in considerable detail" about waterboarding. The CIA doesn't even say Jane Harman was told about waterboarding specifically in February 2003 (though I assume she was).

The first time CIA can say for certain that any Democratic members of Congress **at all** were briefed on waterboarding was in July 2004, after CIA had waterboarded for what ended up being the last time, and after their own Inspector General determined they were breaking the law.

And then, in 2005, when CIA was trying to sustain their ability to torture against Congressional wishes, CIA had briefings for Ted Stevens and Thad Cochran with no Democrats in attendance. They had a briefing for John McCain with no Democrats in attendance. They had two briefings for Bill Frist with no Democrats in attendance. They had a briefing for Duncan Hunter with no Democrats in attendance. They had a briefing for Crazy Pete Hoekstra with no Democrats in attendance.

Lindsey Graham says that, "if you were trying to commit a crime ... you would not go around telling people on the other side of the aisle about it." And that, as it turns out, is exactly what the public record shows: that the Bush Administration did not tell Democrats about what they were doing. For six months to two years

after they started this program, and again when they were under pressure to end it, the Bush Administration did not go around telling people on the other side of the aisle about it.

Lindsey Graham says that's evidence of criminal intent. And I think he may well be right.