

# FOX REPORTS ABSENCE OF PRESIDENTIAL FINDING, CLEAR VIOLATION OF LAW, YAWNS

Aw man. The corporate press keeps getting stupider and stupider in their desperation to claim Democrats didn't do enough to prevent torture after being briefed on it more than six months after the torture started.

This time it's Fox News, complaining that Jane Harman, in her letter to Scott Muller, raised policy concerns, not legal ones.

California Rep. Jane Harman wrote about policy concerns, not legal concerns, in the letter House Speaker Nancy Pelosi is citing in her claim that she let the top Intelligence Committee Democrat take the lead in addressing complaints to the CIA about "enhanced" interrogation techniques used on terror detainees.

In her Feb. 10, 2003, letter, Harman wrote to CIA General Counsel Scott Muller asking whether President Bush had authorized and approved the enhanced techniques, because of the impact such methods may have on policy.

Now there are two big problems with Fox's latest pathetic attempt at a gotcha. First, it misquotes Pelosi in several significant ways.

At a press conference on Thursday, Pelosi told reporters that she supported the letter Harman drafted for Muller **that raised concerns over the legality** of the program.

Pelosi said her staffer told her in February 2003 that Harman and Goss "had



been briefed about the use of certain techniques which had been the subject of earlier legal opinions. Following that briefing, a letter raising concerns was sent to CIA general counsel, Scott Muller, by the new Democratic ranking member of committee, the appropriate person to register a protest," Pelosi said

"But no letter or anything else is going to stop them from doing what they're going to do," she added.

Pelosi added that those briefing her in September 2002 gave her inaccurate and incomplete information. Pelosi's office issued a statement Thursday saying Pelosi had been told in September 2002 that waterboarding, or simulated drowning, had not been used, **but was going to be used in the future.**

Here are the complete quotes from Pelosi's statement.

The CIA briefed me only once on some enhanced interrogation techniques, in September 2002, in my capacity as Ranking Member of the House Intelligence Committee.

I was informed then that Department of Justice opinions had concluded that the use of enhanced interrogation techniques was legal. The only mention of waterboarding at that briefing was that it was not being employed.

Those conducting the briefing promised to inform the appropriate Members of Congress if that technique were to be used in the future.

[snip]

Five months later, in February 2003, a member of my staff informed me that the Republican chairman and new Democratic



Ranking Member of the House Intelligence Committee had been briefed about the use of certain techniques which had been the subject of earlier legal opinions.

Following that briefing, a letter raising concerns was sent to CIA General Counsel Scott Muller by the new Democratic Ranking Member of the House Intelligence Committee, the appropriate person to register a protest.

But no letter could change the policy.

Fox makes two utterly false statements: that Pelosi said the letter raised legal concerns, and that Pelosi was told they were going to use waterboarding in the future. (I need to double check the full Q&A to make sure Pelosi didn't say these things in comments, but clearly in her statement—which is what Fox points to—they're just making shit up.)

But then there's the other, much more serious problem. The ranking member of the House Intelligence Committee was asking for a statement indicating whether or not the President supported this policy.

It is also the case, however, that what was described raises profound policy questions and I am concerned about whether these have been as rigorously examined as the legal questions. I would like to know what kind of policy review took place and what questions were examined. In particular, I would like to know whether the most senior levels of the White House have determined that these practices are consistent with the principles and policies of the United States. Have enhanced techniques been authorized and approved by the President?

If Jane Harman was asking—more than six months after CIA started torturing—whether or not the



torture had been "authorized and approved by the President," **it's a pretty big clue that the Administration had not given Congress a Presidential Finding.** Or, to put it another way, it's a pretty big piece of evidence that the Administration and CIA had failed to comply with the law! But Fox News, predictably, is not concerned with the evidence of legal wrong-doing right in front of their face. (And given Cheney's odd comments, it may well be evidence that Cheney, not Bush, authorized this torture.)

Instead, Fox prefers to make shit up about what Pelosi said, in hopes of continuing to pretend the story is Nancy Pelosi, and not the evidence of legal wrong-doing they're focusing on.