

# PINCUS AND CIA PANIC

On Saturday, I wrote this about Leon Panetta's statement to the CIA.

This is a statement reflecting not **just** the worries at CIA that they've been sold out again, asked to break the law, but then hung out to dry after the fact. This is a statement given at a time when the **very people** being investigated (probably)—Rodriguez and Goss—are two of the three key players in the briefing at the time. And this is a statement that narrowly affirms the accuracy of the briefing (given the briefing notes), while admitting that Congress should determine the full story. Yes, Panetta gives that narrow defense of CIA's statement. But the bulk of Panetta's statement implores the rest of CIA not to get hung up on the circus happening around them.

Panetta is doing two things. First, affirming that CIA has not misrepresented what got recorded in the briefing notes and that the language of the briefing notes is accurate—as far as that goes. And, at the same time, casting doubt on the full meaning of the statement while imploring the rest of CIA not to get distracted by yet another challenge to CIA's credibility.

This morning, Walter Pincus makes precisely the same point.

Battered by recriminations over waterboarding and other harsh techniques sanctioned by the Bush administration, the CIA is girding itself for more public scrutiny and is questioning whether agency personnel can conduct interrogations effectively under rules set out for the U.S. military, according

to senior intelligence officials.

[snip]

The agency's defensiveness in part reflects a conviction that it is being forced to take the blame for actions approved by elected officials that have since fallen into disfavor. Former CIA director Michael V. Hayden said in an interview that CIA managers and operations officers have again been put "in a horrible position." Hayden recalled an officer asking, "Will I be in trouble five years from now for what I agree to do today?"

[snip]

Although President Obama has said no CIA officers will be prosecuted for their roles in harsh interrogations if they remained within Justice Department guidelines in effect at the time, agency personnel still face subpoenas and testimony under oath before criminal, civil and congressional bodies.

As part of an ongoing criminal inquiry into the CIA's destruction of videotapes depicting waterboarding, CIA personnel will appear before a grand jury this week, according to two sources familiar with the matter who spoke on the condition of anonymity because the case is continuing. The Senate intelligence committee is pursuing its investigation into whether harsh interrogations, including waterboarding, brought forward worthwhile intelligence, as agency and Bush administration officials have maintained.

Officially, the agency says there is no distraction.

Only, of course, Panetta's sending memos out trying to tamp down the distractions.

Also note (as Peterr pointed out to me) the reference to two CIA personnel (neither of whom could be Jose Rodriguez or Porter Goss, since those torture tape suspects are no longer employees) preparing to testify before the grand jury this week. I guess we can assume from that the inquiry is ongoing...

I'm sympathetic with the sentiment that the CIA is being screwed by Dick Cheney and others who pushed them to torture (though less sympathetic with the framing of this article, which argues the CIA should get its old torture techniques back).

But at some point, they need to go further than saying they didn't use torture to dig up proof for Dick Cheney's war. If Dick Cheney sold you out or tried to convince you to torture people who qualified (even under the Administration's bogus rules) for the Geneva Conventions, then tell us that. If, instead, some of your own (or more likely, contractors) went beyond even the expansive techniques authorized by John Yoo, then tell us that. If CTC briefers were less than forthcoming to Congress in 2002 (either because they knew Congress would object, because they didn't want Iraq War claims to be doubted, or because Dick Cheney told them to be less than forthcoming), tell us that too.

There's a legitimate gripe, I think, for the CIA to feel it got sold out by Bush and Cheney. But that's not a good excuse to protect those who broke even the law Bush and Cheney sustained. And it's a really bad reason to protect Cheney, going forward.

Want to avoid getting screwed over by elected officials? Be willing to reveal what they ordered that went beyond all acceptable guidelines and laws.