

DIFI'S WHITEWASH

Last week, when I put you all to work (while I was on vacation—sorry) to find out whether your members of Congress supported some kind of investigation into Bush Administration crimes, fatster reported back DiFi's ambivalence about any such investigation.

According to the Washington staffer who answered my call just now, DIFI has not yet commented on what her position will be. Imagine that.

DiFi's support or not is critically important since—as the new Chair of the Senate Intelligence Committee—she'll have significant say about whether or not we investigate what the Intelligence Community did under Bush.

Well, today the largest paper in DiFi's state reports what appears to be DiFi's slowly evolving response: an investigation that the American people don't get to see. Otherwise known as a whitewash.

The Senate Intelligence Committee is preparing to launch an investigation of the CIA's detention and interrogation programs under President George W. Bush, setting the stage for a sweeping examination of some of most secretive and controversial operations in recent agency history.

The inquiry is aimed at uncovering new information on the origins of the programs as well as scrutinizing how they were executed – including the conditions at clandestine CIA prison sites and the interrogation regimens used to break Al Qaeda suspects, according to Senate aides familiar with the investigation plans.

Officials said the inquiry was not designed to determine whether CIA

officials broke laws. "The purpose here is to do fact-finding in order to learn lessons from the programs and see if there are recommendations to be made for detention and interrogations in the future," said a senior Senate aide, who like others described the plan on condition of anonymity because it had not been made public.

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The senior aide said that the committee had no short-term plans to hold public hearings, and that it was not clear whether the panel would release its final report to the public.

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Senate aides declined to say whether the committee would seek new testimony from former CIA Director George J. Tenet or other former top officials who were involved in the creation and management of the programs.

The Senate investigation will examine whether the detention and interrogation operations were carried out in ways that were consistent with the authorities and instructions issued in the aftermath of the Sept. 11 attacks, officials said.

The panel will also look at whether lawmakers were kept fully informed. Sen. Dianne Feinstein (D-Calif.), the chairwoman of the committee, and others have said that the Bush administration improperly withheld information from Congress on the CIA's operations.

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Aides said the negotiations were aimed at producing an investigation with broad support from both parties. Republicans have argued that the inquiry should focus on CIA programs and not become a

referendum on Bush administration policies, such as the Justice Department legal memos that underpinned the program.

Several points on this.

First, kudos to DiFi for getting off the fence and realizing that an investigation is necessary.

Of course, understand the turf battle going on. Pat Leahy will have an investigation regardless of what DiFi says—and he's going to start it now. So DiFi issues a vaguely formulated leak saying that she's going to cover the CIA's role in torture. And, voila! Now the CIA and DiFi can say try to circumscribe Leahy's investigation. And of course, by doing an investigation that starts with the premise that it is "not designed to determine whether CIA officials broke laws," even while admitting that CIA officers may have gone beyond the "instructions issued in the aftermath of the Sept. 11 attacks," it ensures no accountability even for those who went beyond Cheney's torture regime. And, finally, absolutely no current plans to make public the results, either through public hearings or by releasing a report.

Call DiFi at (202) 224-3841. Thank her for recognizing the importance of understanding the mistakes we made in the past. Remind her that even Pat Roberts' investigation into CIA Iraq intelligence was released publicly. Demand that she meet at least the level of transparency adopted by her Republican predecessors as SSCI Chair.