

CIA NOW REVIEWING OPR REPORT ON YOO, BYBEE, AND BRADBURY

Sheldon Whitehouse ~~revealed~~ raised during today's Department of Justice oversight hearing that the CIA is now reviewing the results of the Office of Professional Responsibility report on John Yoo, Jay Bybee, and Steven Bradbury's role in authorizing torture.

Whitehouse: CIA was given a opportunity for substantive comment and classification review. Is it now the CIA that is holding up the release of the report?

Eric Holder claimed that the CIA's review was not holding up the report. But when asked whether or not DOJ was ensuring that those at CIA reviewing the document had clean hands on torture, Holder twice did not answer, and ultimately said he wasn't worried whether those involved in torture get to make substantive comment on the OPR report.

Whitehouse: Role of CIA in substantive comment and in classification review, interesting conflicts of interest. What assurances from CIA that those who seek to influence OPR report through substantive comment or those who have effect of delaying report are not complicit or involved in underlying conduct. Have you got a clean scrub of those at CIA who are involved in program?

Holder: As complete a report as we can. Declassify as much as we can. Full feeling of what it is that OLC lawyers dealt with. Pushing to declassify as much as we can.

Whitehouse: Doesn't address question of

whatever assurances from CIA that in discharge of review role the people involved in that had clean hands WRT this program and are giving untainted advice.

Holder: We haven't gotten anything yet. This may not be an issue at all. Will interact with Panetta. Want to have as much declassified as possible.

Whitehouse: And on question of substantive comments? Is it not important that CIA should be doing so in manner that keeps agencies hands clean.

Holder: I'm actually less worried about substantive comments.

Whitehouse: Would they be likely to look at substantive comments differently if CIA had not kept report from people with clean hands.

Holder: Fact-driven. Conclusion that one draws from the facts, Justice Department's view of facts that we have uncovered.

In other words, no, Holder doesn't find it problematic that someone like John Rizzo—who remains the Acting General Counsel at CIA and who made apparently false declarations to OLC in 2002 when it first approved torture—gets a chance to review the OPR report.

Hell. Maybe if we're lucky, he'll tell DOJ that David Addington or Dick Cheney ordered him to submit that apparently false information so OLC would sign off on torture (though I doubt Rizzo—whose big career break was, like Cheney and Addington, cleaning up after Iran-Contra—will break the omerta).

As troubling as this news that CIA is reviewing the OPR report is, it does say something about the OPR report's conclusions. They implicate CIA enough that Eric Holder (not Mukasey) feels that CIA ought to get a chance to explain itself.

I've been saying for months that the CIA may have knowingly submitted false information to OLC. It may be that John Yoo and Jay Bybee used that as their excuse for their crappy opinions. Maybe, if this report ever comes out, we'll get to see whether that's the case.

Update: The CIA review of the OPR report was covered in a Politico story back in May. Here's the letter DOJ sent to Senator Whitehouse revealing that fact.