

//Notas de Análisis//

Smoke and Mirrors: Pelosi, the CIA and the Republican Party

**By Maria L. Fornella*

In response to harsh criticisms from Congress after the publication of the so-called “torture memos”, the CIA released records showing that senior members of the House and Senate had been briefed about the use of Enhanced Interrogation Techniques (EITs), including water-boarding, used on detainees suspected of terrorism since early 2002. Then a ranking member of the House Intelligence Committee, current Speaker of the House Nancy Pelosi was among those briefed. Because she is also at the head of the effort to establish a Truth Commission to investigate the legality of such practices, she has specifically been targeted by Republicans who contend that she is complicit of the same torture practices that she has so vehemently denounced. Karl Rove, former senior advisor to President George W. Bush, summarized these attacks in a May 14th article on the Wall Street Journal:

“If Mrs. Pelosi considers the enhanced interrogation techniques to be torture, didn’t she have a responsibility to complain at the time, introduce legislation to end the practices or attempt to deny funding for the CIA’ use of them? If she knew what was going on and did nothing, does that make her an accessory to a crime of torture, as many Democrats are calling enhanced interrogation?”

Never one to shy off from a good fight, the Speaker has mounted a campaign on the issue that has escalated the controversy and brought her into direct conflict with fellow Democrat Leon Panetta, present Director of the CIA. Upon reviewing the contemporaneous CIA records, he publicly disputed her account. After a few missteps on when and what exactly she was briefed on, Pelosi has now acknowledged that she knew about the use of water-boarding by early 2003 but did not speak out because she was bound by secrecy rules. She adds that she came to the realization that the only way to challenge those practices was to win control of Congress and the White House. “It was clear that we had to change the leadership in Congress and the White House. That was my job- the Congress part- and we won.”

In Washington, arguments about the past are always also about shaping the future and this case is no different. With their view already directed to the 2010 congressional elections and a national approval rate of only 21%, Republicans are seizing this opportunity to weaken the power of the first woman Speaker, the third person in the line of command for the Presidency of the United States and, arguably, one of the most powerful House leaders ever. The central issue is the recognition that the use of torture by the CIA and others on behalf of the United States government is illegal under international and national statutes, and the commitment by the new administration to absolutely ban those practices hereon. Out of favor and out of ideas, Republicans requested release of those briefings as a distraction from their own travails. But Pelosi bears part of the blame by her own actions. Ignoring President Obama's recommendation of "reflection but not retribution" in response to the torture memos, Pelosi took up with vigor and determination the call for a Truth Commission to investigate crimes by the Bush administration, an investigation that may lead to indictments of former White House officials.

Once it became apparent that she had indeed been briefed by the CIA about those interrogation techniques, she accused the agency of having misled her, thereby escalating the feud. This put her at odds with fellow Democrat Leon Panetta, and afforded Republicans the opportunity to mount a serious attack on her person, undermining her own power to pursue with her usual diligence the transformative legislative agenda proposed by President Obama. Her unfortunate, disjointed performance during the press conference on May 14th, and her decision to escalate her accusations against the CIA made her look vulnerable, weak and less credible, perhaps even tragically flawed.

As the controversy unfolds, Obama himself has remained aloof, at least in public, clearly not wanting to spend any political capital on this unwanted controversy, and at the same time keenly aware that he will need Pelosi's effective leadership for the upcoming battles with Congress on energy and health care reform. On the other hand, there must be a lot of frustration on his part, if we consider that the President himself had taken great pains not to alienate the CIA on this issue, personally visiting the agency a few weeks ago to explain his decision to publish the torture memos and to boost the agency's low morale. The fact

that Leon Panetta publicly contradicted Pelosi's account and that, as CIA director, he responds directly to the Executive, gives us a hint of where the President stands on this altercation.

However, to some extent this is just a storm in a teacup that some want to turn into a tsunami for their own political purposes. We again need to be reminded of the context in which those practices and the subsequent briefings took place: after 9/11, the frame of mind was conducive to excesses in proportion to the horrific event itself. Democrats were not prepared to take Bush on politically, because they did not want to stand in the way of any measures purportedly intended to make the country safer. There were not a lot of "profiles of courage" in Congress then, and the main fear was looking unpatriotic. The whole record of votes in Congress shows tolerance for Bush policies at first. It was only after 2004 that the winds of public opinion began to shift once it was obvious that Bush and Cheney had misled the country for the purpose of invading Iraq, and especially after the Abu Ghraib pictures were made public. In the earlier period (2002-2003)

Pelosi was briefed on the practices being used to elicit information that it was thought may prove valuable to save lives by preventing other similar attacks, and she did nothing about it. What could she have done? Gone to the press? Withdraw funding for the "war on terror"? That would have been the equivalent of committing political suicide.

One observation that raises more questions about the true motives of the Bush administration and their use of torture is that water-boarding appears to have been used most frequently around the time of the Iraqi invasion, when the White House and the Pentagon were desperate to find the "smoking gun" of the connection between Saddam Hussein and Al Qaeda which, in the proven absence of weapons of mass destruction, would serve them to justify the war in Iraq.

More significant than any partisan acrimonious bickering, this week's debate is interesting in its revelations about the internal divisions in the Democratic coalition. With 51 Democrats votes against the supplemental funding the President requested for the war in Afghanistan, and with increased demands for a Truth Commission to investigate torture, which many see as the first step towards prosecuting Bush administration officials, there is mounting pressure on the President to unambiguously break away with Bush's national security policies. However, the more the Left wants him to be confrontational and aggressive in this

front, the less interested Obama appears in heeding their demands.

Last week alone he delivered two strong blows to those that want him to fully dismantle the Bush national security legacy. First, after consultation with his military commanders, he decided not to release more photos on detainee abuse by US military personnel. Second, he announced that he will be trying detainees in the same military tribunals he criticized Bush for, albeit with some important changes, such as giving detainees additional rights consistent with Supreme Court demands for due process.

This comes from a realization that there are too many constraints, such as issues of evidence that would include classified information, to try them in the civil judicial system. Human Rights groups called this a serious “backtracking of his reform agenda.” These decisions, together with his lack of interest in litigating the past, is putting him increasingly at odds with the radical wing of his party, but his national support numbers are holding steady at around 68% to 70%.

While the Republicans try to play this game of guilt by association with the Speaker to deflect attention from their own torture practices, Democratic Party solidarity is also being disturbed by increased opposition to Obama’s national security policies. This week, after Pelosi’s declarations, a Truth Commission to investigate EITs seems to have become unavoidable. Obama’s ambitious legislative agenda for the next seven months, which includes foundational shifts in health and energy policies, is thus in jeopardy: it will in all likelihood be derailed by the time consuming distraction of a Truth Commission that will lock the two parties in endless recriminations, and serious reform will be postponed indefinitely. The hallmarks of the Obama presidency, namely, pragmatism and flexibility, are thus being taken hostage by activists from his own party and by a rudderless Republican opposition trying desperately to regroup.

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