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Lawmakers Criticize CIA Director's Review Order

Congress Wants to Protect Investigator's Independence

By Walter Pincus
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A decision by the [CIA](#) director, [Gen. Michael V. Hayden](#), to order a special review of efforts by CIA Inspector General John L. Helgerson to probe the agency's past interrogations and imprisonment of terrorism suspects evoked concern yesterday among congressional staff members and lawmakers.

The review is the latest reflection of disagreement within the CIA about the legality and appropriateness of the agency's treatment of suspects since 2001, including its decision to hold nearly 100 in secret prisons, to subject more than a dozen to extraordinarily harsh interrogation techniques, and to fly others to countries where torture is frequently practiced.

The agency's leadership, including its lawyers, has been sparring with the inspector general's office for several years about those practices, and since 2004 has been questioned by Helgerson about allegations that CIA officers engaged in criminal activities in [Iraq](#).

A secret report completed by Helgerson in 2004 concluded that some CIA interrogation practices might violate international law, a conclusion that jarred the agency officials who had relied on [Justice Department](#) assurances that such practices were legal.

[Rep. Silvestre Reyes](#) (D-Tex.), chairman of the House Permanent Select Committee on Intelligence, said in a statement yesterday that the review of the agency's inspector general that Hayden ordered is "troubling" because of its possible impact on the official's independence, "which Congress established and will very aggressively preserve."

[Sen. Christopher S. Bond](#) (R-Mo.), vice chairman of the Senate intelligence committee, warned in a statement that Congress depends heavily on the inspector general's help to oversee the CIA's activities. He promised to "be watching carefully to make sure that nothing is done to restrain or diminish that important office."

Helgerson informed staff members of the Senate committee last week, during a routine briefing on his investigations, that he is the subject of a review ordered by Hayden. The [Los Angeles Times](#) and the [New York Times](#) disclosed the existence of the review in yesterday's editions.

The review is being conducted by Hayden's senior counselor, Robert L. Deitz, and has raised concerns among Helgerson's staff, said officials familiar with it. "Some people complained, and they were loud enough that we wanted to see if there was a problem," a Senate staff member said, requesting anonymity because he was not authorized to discuss the subject. "There is no judgment. We just asked him [Helgerson] about it."

Deitz is to meet with the staffs of both House and Senate committees on Tuesday, a senior intelligence officer said. In December, Deitz told an [American Bar Association](#) conference that "we need to give more credit to

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people in these positions of authority, heads of NSA, CIA, DIA. These are not a bunch of corrupt politicians who are making decisions to cover their careers. These are well-intentioned people who are deeply concerned about keeping America safe."

Deitz's review of Helgerson began in April when Hayden started getting reports that Helgerson's staff was carrying on its investigations with "a prosecutorial mentality and the director could not ignore them," a senior intelligence official said.

Summing up the views of the agency's clandestine operators, the senior intelligence official said, "They find the CIA general counsel says a technique is okay, the IG months or years later says no." That situation, he added, "leads first to job anxiety, then to a drop in morale and, finally, to risk aversion."

Another intelligence official said there had been other complaints about the work of the IG's office, including the length of time that investigations went on and claims of bias in the IG's approach to fact-finding.

CIA spokesman Paul Gimigliano said that Hayden "firmly believes that the work of the Office of Inspector General is critical to the entire agency" and since taking over CIA "has accepted the vast majority of its findings." He described Dietz, who served as [National Security Agency](#) general counsel when Hayden headed that agency, as "a seasoned observer" from outside the agency who can "if need be, suggest specific improvements for consideration by the [IG] unit itself."

The senior intelligence official described it as an "effort in-house to determine whether the complaints [Hayden] was receiving had merit," the senior intelligence official said. "Nothing that rises to the level of asking some outside group to put this IG under a microscope." It was to be, he added, "a careful, discreet inquiry."

Suzanne Spaulding, a former CIA associate general counsel and former senior staff member on the Senate and House intelligence panels, said the review had created "an appearance of attempted intimidation" of the inspector general.

But Jeffrey H. Smith, CIA general counsel during the Clinton administration, cautioned yesterday that "inspector general second-guessing on legal authority, using their own lawyers, may result in risk aversion by officers in the future." He added that an IG "is engaged in looking backwards with 100 percent clarity and does not have the pressures on them and risks the operators face."

Smith noted that the CIA inspector general not only finds facts but also suggests "what disciplinary actions should be taken. That converts him into a prosecuting attorney."

Staff researcher Julie Tate contributed to this report.

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