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Feith on Trial

Facts don't matter to Carl Levin.

By Mario Loyola

It is one of the oldest and dirtiest political tricks in Washington: Hurl scurrilous charges at someone and then call for investigations into his conduct. When the investigations clear your target of all wrongdoing, as they almost always do, just go on repeating the charges as if they were true. With any luck and enough of a media echo, you will succeed in creating an alternative reality in which your target is guilty simply because "everyone knows it." To learn more about the art of the Beltway show-trial, observe Senator Carl Levin in action over at the Armed Services Committee.

A recently released report by the Pentagon's inspector general has stirred an enormous controversy over a late-2002 Pentagon briefing critical of the intelligence community's work on the links between Iraq and al Qaeda. The briefing was part of a government-wide effort, in the wake of 9/11, to reexamine terrorist networks and their possible links to state actors.

The intel community seemed to have internalized a popular theory that Saddam and al Qaeda would not cooperate, even in areas of mutual strategic interest, because of their conflicting ideologies. On that theory, the intel community had filtered older, conflicting evidence out of their intel work.

The 2002 Pentagon briefing argued that fragmentary evidence of cooperation between the two should not be excluded from the intel reports in deference to an unprovable theory. The briefing had a limited purpose: It did not present the older intel as valid or invalid, but merely aimed to show that it was in conflict with the intel community's current theory and that that current theory might not be valid.

Rumsfeld thought the briefing was compelling and asked that it be given to CIA chief George Tenet. It was later presented to a select group at the White House. The briefing had exactly the effect its authors intended: The CIA revised its presentation of the connection between Iraq and al Qaeda, accepting several of the Pentagon's recommended changes.

Enter Senator Levin. Late in 2005, the Pentagon's inspector general was asked by the head of the Senate Intelligence Committee to determine whether the work of the Office of Special Plans, a tiny Pentagon group with no connection to the Iraq-al Qaeda work, had been "appropriate." Levin later widened the scope of the review (which seemed destined to produce yet another vindication of Feith) by asking the inspector general to expand his "appropriateness" inquiry from the Office of Special Plans to the work of the policy office generally. This was a stroke of considerable cunning, because it

turned a limited review into a general fishing expedition driven by a purely subjective political question. The review could now go Levin's way even if all the facts were against him.

And so it happened. The inspector general's report found that the policy briefing was both lawful and authorized. But he also opined that some of the work seemed "inappropriate." Levin pounced in the committee hearings: "The inspector general's report is a devastating condemnation of inappropriate activities by the DOD policy office that helped take this nation to war." Obviously, that's what he was going to say all along — regardless the conclusions of the inspector general.

Apparently the "false-but-accurate" device invented by CBS producers for the 2004 elections has a corollary within the national security establishment: "accurate-but-inappropriate." And just what had the Pentagon's policy office done that was so inappropriate? They had "undercut" the intel community by criticizing its work product. Absurdly, the inspector general has no opinion on whether the policy office's critique was valid. His essential position is that it is wrong to undercut the intel community through criticism — whether or not that criticism is valid.

This is worth thinking about, because it would be enormously damaging to the government if it became any kind of precedent. Policymakers (i.e., those in the policy office of the Pentagon) make vital national-security decisions on the basis of intel. If the intel is wrong, and bad policy decisions result, policymakers are properly held accountable for the consequences. As one Senate committee report bearing Levin's signature acknowledges, policymakers have "ultimate responsibility for making decisions based on this same fragmentary, inconclusive reporting."

So policymakers have an obligation to examine closely and critically both the raw intel and the analysis drawn from it. But in order to skewer Feith, Levin is prepared to go so far as to say that policymakers don't even have the right to do that. How this will play out in the future interaction between policymakers and the intel community is something to worry about.

In the meantime, on a lighter note, Levin thinks he smells a conspiracy in the fact that the Pentagon gave Tenet and the White House different versions of the brief. This is where you begin to realize how petty this entire inquisition really is. The difference between the two briefings was exactly one slide, which was slightly acerbic towards the CIA generally; this slide was presented to the White House but not to Tenet. This little tidbit has put Levin at his most ominous, threatening to make senior officials testify under oath, insinuating intentional malfeasance.

This tempest in a teapot is laughable. Policy was trying to get CIA to accommodate a critical assessment of its work. It therefore had to be diplomatic in its presentation to the CIA. It would have been stupid to include in the briefing to the CIA a slide originally prepared for the secretary of Defense by his own staff if there was any reason to believe the slide would needlessly offend CIA sensibilities — and this is true even if the criticism was entirely valid. By complaining that policy would dare to "undercut" CIA in this way, Levin is trying to turn an instance of normal bureaucratic behavior into some weird combination of petty office rivalry and dark conspiracy.

I had the honor of serving in Feith's office towards the end of his tenure at the Pentagon. I remember his personal exhortations at senior staff meetings to be meticulous about facts, explicit about premises, and questioning of every conclusion. His criticism of one's work product challenged everything — from points of style and diction to logical reasoning and ultimate policy. Largely as a

result, the culture of the policy office was one of academic rigor and intellectual sobriety. People took their responsibilities seriously, and no one more than Feith. To give one example among many, as to the case for war, Feith's office produced perhaps the most extensive assessment of the risks of removing Saddam in the entire national-security establishment.

What is so depressing about all of this is that Feith left office a year-and-a-half ago and is still defending himself against charges that have been found baseless by every investigation, review, and commission that has examined them. The Levin inquisition is simply character assassination of an official who was carrying out the lawful and proper instructions of his superiors.

Thankfully, the villain in this farce is now almost certain to get his comeuppance. As Feith likes to say, "An ideologue is someone for whom the facts don't matter." In the Levin inquisition, ideology and even personal vendetta are much easier to detect than any real concern for the facts. But the record is clear, and history will preserve it: It is Levin who has manipulated, distorted, and misled. Levin's quest to ruin the reputation of Douglas Feith is demonstrably coming unhinged from reality, and his own reputation must suffer as a result.

Sadly, in the meantime, the Levin inquisition has caused real damage to people who do not deserve it — and he may cause more before he's done.

— Mario Loyola, a former adviser in the U.S. Senate and at the Pentagon, has been a frequent contributor to National Review.
