

**WASHINGTON AND THE WORLD****Feinstein Is Right. The CIA's Out of Control.**

By TIM WEINER | March 12, 2014

**F**ive years of frustration boiled over when Sen. Dianne Feinstein flayed the CIA on the Senate floor Tuesday. She accused the agency of lying, cheating and stealing to block a 6,300-page report on the CIA's secret prisons and torture from seeing the light of day. In essence, she said, the CIA was spying on the Senate Intelligence Committee's staff to cover its own misdeeds.

We need spies. But it's a devil's bargain. If you have a standing army projecting power around the world, you also need an intelligence service to help the military understand what's happening out there. But if you have an intelligence service, you're going to have secrecy and deception. How much can we tolerate? That's the issue here.

Blood will out, and three former CIA directors, along with their counterterrorism chiefs and counselors, have stained our national honor with their conduct of the secret prison program and their attempts to shape the accounts of its aftermath. The time is long overdue for public hearings on what went on inside the secret prisons, a

program authorized by President George W. Bush shortly after the Sept. 11 attacks and banned by President Barack Obama when he took office in January 2009.

Those hearings had better happen soon. If they don't, the United States may have to give up on the idea of running a secret intelligence service in an open democracy.

Feinstein, a liberal San Franciscan who rose through the ranks of California's Democratic politics, has led the Intelligence Committee for five years. Her staff has been working on a report about the secret prisons ever since. She has widely been regarded as a sleepy watchdog, especially regarding the NSA's secret surveillance.

But on Tuesday, she rose with a resounding roar. She strongly suggested that the CIA violated the law and the Constitution by obstructing her committee's report, rifling through its computer files through warrantless searches in violation of the Fourth Amendment and breaking the CIA's own charter, which prohibits its acting as America's secret police.

Lying is essential to spying. When you work as a CIA officer overseas, you have to lie about who you are and what you do to steal secrets. Espionage is by definition illegal everywhere; a CIA officer abroad must break the law of the land where he or she works. You are duty-bound to lie, cheat and steal.

But when you return to work in Washington, you cannot lie to your fellow Americans. You'd better have a well-calibrated moral gyroscope—especially if you tortured or killed people in secret prisons; if you knew first-hand what happened in those cells; or if you later learned “the horrible details of a CIA program that never, never, never should have happened,” as Feinstein said Tuesday. Those details, she said, are “far different and far more harsh” than we now know.

It's a delicate balance between deception in the day-to-day business of collecting secret intelligence and the perilous practice of deceiving your superiors. Intelligence is a difficult, dirty, dangerous business; like any human endeavor, it is prone to failure. A CIA case officer may be tempted to tailor intelligence reports to make failure look like success. A superior who suspects he is being spun has a ready riposte: “Don't case-officer me.”

When the CIA case-officers a senator, it runs the risk of undergoing torture

American-style. We have two ways of making them talk: hours of on-camera interrogation for the brass or the threat of slammer time for their subordinates.

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