

USA

Credibility of Congress' Russia Probes Still in Question

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WASHINGTON — As congressional investigations into Russia's interference in the 2016 election are ramping up, so is the political division, raising questions about whether lawmakers' work will be viewed as credible.

The House this week scheduled its first public hearing, which some swiftly dismissed as political theater. Even as lawmakers began to review classified information at the CIA's headquarters, Democrats continued to call for an independent panel and special prosecutor.

The dynamic underscored the escalating concerns about whether the Republican-led investigations will have the funding, focus and, perhaps most important, bipartisan buy-in to produce findings that are broadly accepted and definitive.

“To be honest, we don't know yet,” said Representative Adam Schiff, the ranking Democrat on the House intelligence committee, which is conducting a probe in the House. “I can't say for certain whether that will be possible. I can only say it is very much in the national interest that we do so. Because we cannot allow this to become another Benghazi committee.”

Investigations haunt both parties

Both Republicans and Democrats have their examples of misguided or failed investigations. For Democrats, the cautionary tale is the years-long probe into the 2012 attack on the U.S. diplomatic compound in Benghazi, Libya. Congress

spent millions on the effort and the Benghazi committee held four public hearings. But Democrats consistently dismissed it as a political witch hunt aimed at Hillary Clinton.

In the end, the committee issued an 800-page report and found no new evidence of wrongdoing by Clinton, but it did reveal that she used a private email server for government business, which dogged her presidential campaign.

Other efforts — Watergate, Iran-Contra and the probe into Wall Street's role in the financial crisis as examples — are generally viewed as having risen above the partisan fray.

“The only investigations which have credibility are the ones which are truly bipartisan,” said former Senator Carl Levin, a Democrat from Michigan, who ran many congressional investigations during his decades in the Senate.

“The leaders of the investigation — the chairman and the ranking member — must trust each other. That's No. 1,” Levin said of how to run a bipartisan investigation.

Not a good start to proceedings

On the House and Senate intelligence committees, that trust was shaken when the White House enlisted the Republican chairs to help push back on reports about Trump campaign officials' contacts with Russia, one of the elements lawmakers are tasked with investigating. Both Senator Richard Burr of North Carolina and Representative Devin Nunes of California said they did not do anything improper.

Nunes, who was a member of Trump's transition team, declared he had seen no evidence of improper contacts between Trump associates and the Russians as the investigation was just getting underway.

Successful congressional investigations also need to be funded. The Senate has

approved \$1.2 million for the intelligence committee for the Russia investigation, according to a person familiar with budget details who requested anonymity to discuss figures that are not typically disclosed. The House intelligence committee has requested additional money, as well, but that has yet to be approved.

By comparison, the Benghazi investigation ultimately cost that committee more than \$7 million.

Must work together

The second key to a successful investigation, Levin said, is that the committee staffers — a mix of Republicans and Democrats — work seamlessly together.

Levin said the staff needs to operate openly. They have to review documents together. They have to prepare witness lists together, interview people together and do joint memos for the lawmakers together.

“They've got to work together,” Levin said.

And that work comes with some serious homework, said Dan Berkovitz, a former Senate investigator. There needs to be a thorough understanding of the facts surrounding the investigation, he said, which requires getting all of the appropriate documentation and interviewing all people with relevant knowledge. And good investigations take time, he said. Announcing the start of an investigation and scheduling a hearing on it weeks later “raises eyebrows.”

House probe to begin March 20

The House intelligence committee announced it would hold its first hearing on the matter on March 20. The FBI and National Security Agency directors have been invited, as well as former top Obama administration officials. The House intelligence hearing is scheduled on the same day the Senate holds its high-profile hearing for Trump's Supreme Court nominee, Neal Gorsuch.

Nunes said he wants most of these hearings to be held in public.

That has already proven difficult as senior intelligence officials have been unable to answer some questions about the Russia probe publicly because of the highly classified details and the risk of revealing the secret ways the U.S. obtained the information.

Transparent hearing favored

“Open testimony creates a lot of distractions and other considerations and doesn't facilitate candor,” Berkovitz said.

Often a good investigation, he said, involves doing it behind the scenes without a lot of fanfare and then presenting the findings in public.

Nunes' spokesman, Jack Langer, doesn't think that's true.

“I don't think we can be rightly criticized for trying to be transparent and holding a public hearing for an investigation that has received an extraordinary amount of public attention,” he said, adding that the hearing is in addition to the investigative work behind the scenes.

The nature of what's being investigated here, however, makes it unlikely the fanfare will disappear.

Trump recently demanded that the congressional investigations broaden the scope of their inquiries to include former President Barack Obama's potential abuse of executive powers to tap Trump's phones, a claim Trump made earlier this month without offering any evidence that it happened.

Open doors versus closed doors

The Senate intelligence committee has said most of its investigation will be done

behind closed doors. Democrats on the committee have said they want to make public as much of the findings as possible.

The top Democrat on the Senate intelligence committee, Mark Warner of Virginia, has said this investigation might be the most important thing he ever does.

“There is nothing I have done in my life in public that is as important as trying to get this investigation done right and bipartisan and get the facts out to the American people,” Warner said.
