

Senate-CIA Fight: A Prelude To Impeachment of Obama?

Special to EIR

March 18—With Sen. Dianne Feinstein's (D-Calif.) powerful attack on the CIA from the Senate floor on March 11, charging that the Agency has violated the Constitutional separation of powers, and further revelations that have put President Obama in the middle of the coverup of Dick Cheney's torture policy, a new path has opened up which could—and should—lead to the early impeachment of Barack Obama.

Obama has already become the most impeachable President in history. His repeated declarations that he is above the law, that he can pick and choose which laws to enforce, and that he can govern without Congress, make him eminently deserving of impeachment. Add to that, Obama's waging of war (Libya) without Congressional authorization as required by the Constitution; his promotion of the genocidal Obamacare intended to deny medical care to the sick and aged; his drone "kill list," which has been used to secretly execute U.S. citizens without any due process of law; and his giving aid and comfort to the enemies of the United States by secretly aiding al-Qaeda-linked opposition forces in Syria, covering up the Benghazi killings of U.S. officials, and continuing—with CIA Director John Brennan's help—the Bush-Cheney coverup of the true authorship of the 9/11 attacks, by suppressing the 28 pages of the Joint Congressional Inquiry on 9/11 (see *National Security*, this issue).

The specific dispute between the Senate Select

Committee on Intelligence (SSCI) and the CIA, which has been brewing for years, has erupted into the public view at a time when, according to numerous reports, disgust and anger at Obama among Democrats is at an all-time high, and recognition that Obama has taken the nation to the brink of thermonuclear war with Russia, is sinking in among the political class in Washington. This is what imparts such importance, and urgency, to the Feinstein case.

In reality, this is not a fight between the Senate and the CIA, but between the Senate and Obama himself. The central issue is Obama's continuing coverup of the crimes of Vice President Dick Cheney. Despite his campaign promises, Obama has refused to undertake a serious investigation of the war crimes carried out during the Bush-Cheney Administration in Iraq, Afghanistan, and elsewhere—especially the clear evidence of torture being a central part of the Cheney-authored detention, interrogation, and rendition policies.

In fact, under international treaty obligations and U.S. law, Obama is required to investigate and prosecute acts of torture and war crimes, but he has adamantly refused to do so, using the bogus argument that we should "look forward, not backward," and that "nothing will be gained by spending our time and energy laying blame for the past." Obama's appointment of his crony John Brennan as CIA Director was clearly in furtherance of this treasonous policy.

CIA Obstructs Senate Probe

Feinstein's speech on the floor of the Senate, came a week after the dispute between the CIA and the Senate Intelligence Oversight Committee broke into the open. The underlying issue was the Committee's 6,300-page, five-year report on the CIA's interrogation and detention program carried out under the Cheney-Bush Administration, and the up-to-this-point successful efforts by both the Bush and the Obama administrations to prevent the Senate report from being made public.

According to the March 4 *New York Times*, people who have read the Senate study describe it as a withering indictment of the CIA program, that details many instances when Agency officials misled Congress, the White House, and the public about the value of brutal interrogation methods such as waterboarding.

During the confirmation hearings last year for Brennan to head the CIA Director, his violent disagreement with the Senate report was a major issue. Also at issue is an internal CIA review, begun in 2009 under then-CIA Director Leon Panetta, which reportedly confirmed some of the Intelligence Committee's findings.

Reports in the *New York Times* and in McClatchy Newspapers said that the CIA had gained access to the secure computers being used by Committee staffers in their investigation of the CIA torture program—and thus had access to the work-product of Senate staffers who were investigating the Agency.

These reports coincided with the release of a letter sent to Obama on March 4 by Sen. Mark Udall (D-Colo.), which appeared to state that Obama knew about the CIA intrusion. (The headline of a March 5 *Guardian* story, for example, was: "Obama knew CIA secretly monitored intelligence committee, senator claims.")

"As you are aware," Udall wrote to Obama, "the CIA has recently taken unprecedented action against the Committee in relation to the internal CIA review and I find these actions to be incredibly troubling for the Committee's oversight powers and for our democracy. It is essential that the Committee be able to do its oversight work—consistent with the constitutional princi-



CSPAN

Sen. Dianne Feinstein's courageous attack on the CIA and Obama's violations of the Constitution was described by one Democratic Senator as the "most important speech that he has heard in his 40 years in the Senate."

ple of the separation of powers—without the CIA posing impediments or obstacles as it is today."

Violating the Constitution

In her March 11 speech, Feinstein described how the Intelligence Committee, which she chairs, had belatedly learned about the CIA's detention and interrogation program in 2006, just hours before President Bush made it public. Sen. Jay Rockefeller (D-W.Va.), then heading the committee, sent two staffers to the Agency to review CIA cables on the program; they produced a staff report in early 2009 which Feinstein called "chilling." She explained: "The interrogations and the conditions of confinement at the CIA detention sites were far different and far more harsh than the way the CIA had described them to us."

As a result, the Committee voted 14-1 in March 2009 to undertake a comprehensive review of the CIA program. An arrangement was worked out under which a "stand-alone computer system," segregated from the regular CIA computer network, would be established, and it could only be accessed by IT personnel from the CIA, who were not to share information with other CIA personnel. Millions of pages of documents were provided to the Committee through this process.

“It was this computer network that . . . was searched by the CIA this past January, and once before,” Feinstein told the Senate. “In May of 2010, the committee staff noticed that [certain] documents that had been provided for the committee’s review were no longer accessible. Staff approached the CIA personnel at the off-site location, who initially denied that documents had been removed. CIA personnel then blamed information technology personnel, who were almost all contractors, for removing the documents themselves without direction or authority. *And then the CIA stated that the removal of the documents was ordered by the White House.* When the committee approached the White House, the White House denied giving the CIA any such order” (emphasis added).

The CIA’s search of the Committee’s computer system and the removal of documents, caused Feinstein to say that “I have grave concerns that the CIA’s search may have *violated the separation of powers principles embodied in the United States Constitution, including the Speech and Debate clause.*” She added that “*the CIA’s search may also have violated the Fourth Amendment, the Computer Fraud and Abuse Act, and Executive Order 12333, which prohibits the CIA from conducting domestic searches or surveillance*” (emphasis added).

There have been two referrals to the Department of Justice, Feinstein stated. One, by the CIA’s Inspector General, raised the possibility of a criminal violation by CIA personnel. The second, and most alarming, was a “crimes report” filed with the DOJ by the CIA’s acting General Counsel, concerning allegations of possible criminal actions by the Senate Committee staff. This individual, identified in the press as Robert EATINGER, is not a disinterested party. He was, according to Feinstein, a lawyer in the CIA’s Counterterrorism Center, from where the interrogation and detention program was run. And, he was mentioned more than 1,600 times in the Senate study.

It is no wonder that Feinstein charged: “I view the acting general counsel’s referral as a potential effort to intimidate this staff—and I am not taking it lightly.”

An hour after Feinstein delivered her speech to the Senate, Brennan was asked about it, during an appearance at the New York Council on Foreign Relations, and he responded by mocking Feinstein’s charges. “As far as the allegations of, you know, CIA hacking into, you know, Senate computers, nothing could be further from the truth,” he said. “I mean, we wouldn’t do that. I

mean, that’s—that’s just beyond the—you know, the scope of reason in terms of what we would do.”

Obama’s Responsibility

The response of Obama and the White House to Feinstein’s bombshell speech, was to feign “neutrality” and to claim that Obama wants the Senate to finish up the report so that he can declassify it and make it public.

That hypocritical posture was blown out of the water two days later, when McClatchy Newspapers exposed the fact that Obama is withholding thousands of documents from the Senate investigation. “The White House has been withholding for five years more than 9,000 top-secret documents sought by the Senate Select Committee on Intelligence for its investigation into the now-defunct CIA detention and interrogation program,” McClatchy reported.

“In contrast to public assertions that it supports the committee’s work, the White House has ignored or rejected offers in multiple meetings and in letters to find ways for the committee to review the records, a McClatchy investigation has found.” The McClatchy report pointed out that the Administration’s refusal to hand over the documents, indicates that the White House has been a lot more involved in the Senate-CIA dispute than it has so far admitted.

The next day, March 14, the White House admitted, for the first time, that it is indeed withholding thousands of documents on the Bush-Cheney torture program, and stated explicitly that President Obama is claiming Executive privilege to protect “a previous Administration,” i.e., that of Cheney and Bush.

Obama’s claim of “neutrality” was also contradicted by statements by former CIA Director Michael Hayden, who told CNN on March 14, that the CIA notified the White House in January that it was referring Senate aides to the Department of Justice for investigation of improper possession of classified documents, and that “there was tacit acceptance from the White House of the CIA’s decision to take action” against the Senate investigators. Then on March 16, PBS broadcast a statement by Obama, saying: “With respect to the issues that are going back and forth between the Senate committee and the CIA, John Brennan has referred them to the appropriate authorities and they are looking into it.”

Thus, Obama is now backing what Feinstein called an effort to “intimidate” her staff, by seeking prosecution of the Senate staffers investigating CIA torture practices.

Hold Obama Responsible

Feinstein's statement in her March 11 speech, about the White House ordering the CIA to remove documents, was ignored or buried in most of the news coverage, but was featured a couple of places, such as by liberal *Washington Post* columnist Dana Milbank, whose column the next day was entitled "A true Obama scandal." Milbank, who usually ridicules Republican charges against Obama, wrote that the most damaging allegation of wrongdoing by Obama's Administration hasn't come from his GOP foes, but from a friend, Dianne Feinstein. He quoted Feinstein's statement about the White House ordering the removal of the documents, and wrote: "Feinstein is owed much more than an apology. The White House needs to cough up documents it is withholding from the public, and it should remove the CIA officials involved and subject them to an independent prosecutor's investigation..."

A *New York Times* editorial the same day put the responsibility on Obama. "It was outrageous enough when two successive presidents papered over the Central Intelligence Agency's history of illegal detention, rendition, torture and fruitless harsh interrogation of terrorism suspects," the editorial began. After reviewing Feinstein's speech, and her call for Obama to make the Senate report public, it concluded: "The lingering fog about the CIA detentions is a result of Mr. Obama's decision when he took office to conduct no investigation of them. We can only hope he knows that when he has lost Dianne Feinstein, he has no choice but to act in favor of disclosure and accountability."

A former head of the Senate Intelligence Committee, Bob Graham, also weighed in, and put the responsibility on Obama. In an interview with the Real News Network, posted March 17, when asked about the actions of the intelligence agencies in hiding information from Congress and the American people, Graham responded: "I don't assume that these are just rogue people out doing whatever they want to. I assume that they are acting at the direction of the President." Graham drew a parallel with the 28-page section of the Congressional Joint Inquiry on 9/11 which has been suppressed by both Presidents George W. Bush and Barack Obama. When the interviewer brought up the McClatchy report on Obama withholding 9,000 pages of documents on the torture investigation, and

asked how the whole CIA-Senate fight will play out, Graham replied: "The President is inevitably going to be the ultimate figure in how this matter is resolved. I personally hope that he will resolve it on the side of openness and then be prepared to deal with the consequences of letting the American people know what's happening, and that it won't be just limited, as important as it is, to this 6,000-page report on torture, that it will also include things like the report on who financed 9/11."

Bipartisan Support for Feinstein

As remarkable as Feinstein's charges were, equally remarkable has been the bipartisan back-up for Feinstein's actions.

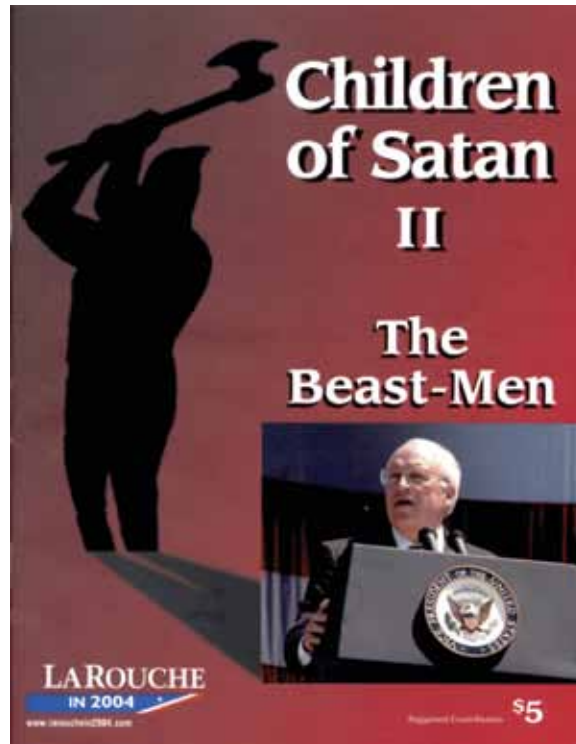
Members of Congress from both sides of the aisle rallied around Feinstein: Senate Judiciary Chairman Patrick Leahy (D-Vt.) called it the "most important speech that he has heard in his 40 years in the Senate," while Sen. Lindsay Graham (R-S.C.) called the allegations "Richard Nixon stuff," adding that "heads should roll, people should go to jail if it's true."

The Hill cited Democrats saying that Feinstein's anger toward the CIA has slowly boiled up, because she's been fighting the Agency over the Committee's interrogation report for five years. "She's always very cautious about going public. She kept her peace for a long, long time after stories appeared about it," said Senate Armed Services Committee Chairman Carl Levin (D-Mich.). "She feels very deeply about what the CIA did here, and I think with very good reason."

"I think a number of people were surprised she gave it [the speech]; turns out I wasn't one of them," said Sen. Jay Rockefeller, who chaired the Senate Intelligence Committee from 2007 to 2009. "I thought it was an absolutely fabulous speech. It had to be said."

In the House, Oversight Committee chairman Darryl Issa (R-Calif.) supported Feinstein and raised the question of impeachment. "I think Senator Feinstein is as outraged as anyone, and I share her outrage. I think the violation of the Constitutional separation of powers should be an offense of the highest level—virtually treason," Issa told Breitbart News. "I don't know who gave the orders, but to spy on other branches is in fact a constitutional violation at the level of high crimes and misdemeanors, and certainly should cause the removal of anyone involved."

Rep. James Sensenbrenner (R-Wisc.), a long-time power on the House Judiciary Committee, in a letter to Deputy Attorney General James Cole, described Feinstein's accusations as "shocking," and continued: "As you know, the CIA is legally barred from any domestic searches or surveillance. Additionally, tapping into computers used by members of Congress and attempts to use the Justice Department to intimidate Congressional staff is a gross violation of the Constitutional principles of separation of powers. It paints an almost Nixonian picture of an Administration that believes it can act with impunity behind a veil of secrecy."



Lyndon LaRouche's 2004 Presidential campaign targeted Dick Cheney's crimes in this mass-circulation pamphlet.

You Were Warned

Don't hold your breath for Obama to release either the Senate report, or the 28 pages on Saudi sponsorship of 9/11, under any pressure less than that of impeachment. His close buddy John Brennan is central to both coverups: in fact, Bob Graham has stated that he met with Brennan, who was then Obama's counterterrorism advisor, in 2009 to press for the release of the 28 pages, but Brennan and the White House have of course failed to do so.

Brennan's role in protecting the Bush-Cheney torture apparatus should not have caught anyone by surprise.

During Brennan's lengthy confirmation procedure as Obama's nominee for CIA Director in the first part of 2013, there were a number of warnings issued about Brennan's previous role in protecting the Bush and Cheney, and about the nominee's extremely close relationship to President Obama himself, which made Brennan unsuited to lead the Agency.

John Kiriakou, a 14-year CIA officer who was a direct participant in the CIA interrogation/torture program, and who later broke with it and became a whistle-

blower, spoke out in an interview with *Democracy Now's* Amy Goodman (published Feb. 11, 2013). Kiriakou stated: "I've known John Brennan since 1990. I worked directly for [him] twice. I think that he is a terrible choice to lead the CIA. I think that it's time for the CIA to move beyond the ugliness of the post-September 11th regime, and we need someone who is going to respect the Constitution and to not be bogged down by a legacy of torture. I think that President Obama's appointment of John Brennan sends the wrong message to all Americans."

In an open letter posted on antiwar.com on Feb. 23, 2013, former CIA analyst Ray McGovern, the head of Veteran Intelligence Profes-

sionals for Sanity, called on Senator Feinstein to do her due diligence on CIA-nominee Brennan, "before you make the next-to-worst mistake of your tenure on the Senate Intelligence Committee" (the worst being Feinstein's vote, in October 2002, to go to war in Iraq). McGovern pointed out that, during Brennan's confirmation hearing, Sen. Saxby Chambliss (R-Ga.) noted that Brennan was "cc'ed" on at least 50 memos dealing with the torture of terrorism suspects. Chambliss further noted that Brennan's boss, A.B. "Buzzy" Krongard, told the *Wall Street Journal* that Brennan had a role in setting the parameters of the program and "helping to seek Justice Department approval" for the so-called enhanced interrogation techniques. "This is a far cry from what Brennan admitted to," McGovern wrote, which was to say that he had "awareness" that torture was going on but wasn't in a position to do anything about it.

Is it any wonder that Brennan—and his boss Obama—are covering up for Bush and Cheney? And will anything short of Obama's impeachment bring forth the truth?