

White House uses FBI to intimidate congressional probe of September 11

Peter Daniels
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The FBI investigation of members of the US Senate and House Intelligence Committees to determine the source of a leak of classified information in connection with the September 11 attacks is the latest effort by the Bush administration to establish an authoritarian presidency and overturn the traditional balance of powers in the US. The FBI request that Congressmen subject themselves to lie detector tests and other questioning is a transparent attempt to intimidate the Democratic and Republican politicians who have called for a probe of intelligence “lapses” in connection with September 11.

The media reports that led to the FBI’s action stated that the National Security Agency, the top-secret intelligence agency with an estimated annual budget of \$6 billion, had intercepted two messages last September 10 warning that something was about to happen, but that the messages were not translated from Arabic until September 12, a day after the attacks. “Tomorrow is zero hour,” said one of the messages. The other stated, “The match begins tomorrow.”

This disclosure, first on CNN in early June, soon followed in the *Washington Post* and *New York Times*, came in the wake of numerous other reports—including most prominently the refusal of the FBI to follow up on investigating Zacarias Moussaoui after he was arrested a month before the attack. Although the authorities suggested that the September 10 intercepts were not specific enough to have prevented the attacks even if they had been translated, they were clearly part of a pattern suggesting foreknowledge of an impending assault by high-level officials who took no action to stop it. The spate of reports forced Congressional leaders of both parties to schedule hearings on the subject.

While the Democrats and Republicans in Congress have focused their inquiry on possible intelligence “breakdowns” and not on indications that the hijackers may have been shielded by government sources, the Bush

administration has responded with hostility and obstruction to any examination of the subject. When the stories about the NSA intercepts first appeared, the White House issued threatening denunciations. The subject was changed from the content of the leaks—the mounting evidence of prior knowledge of the September 11 attacks—to the matter of safeguarding government secrecy. Vice President Richard Cheney telephoned Florida Republican Porter Goss and Florida Democrat Bob Graham, who are the respective chairmen of the House and Senate Intelligence Committees, to complain. White House presidential press secretary Ari Fleischer said the leaks could compromise the “war on terrorism.”

Arizona Republican John McCain pointed out the White House’s inconsistency on the matter of leaks. At a July 31 Congressional hearing he questioned Defense Secretary Donald Rumsfeld on leaks coming from within the executive branch on possible plans for war against Iraq. Such leaks are “a game that was played when you first came here nearly 30 years ago, and it will probably be played 30 years from now,” said McCain.

The usual procedure on such a matter would have been for a Congressional ethics committee to conduct a probe. In this case, however, Goss and Graham immediately sought to ingratiate themselves with the administration by writing to Attorney General John Ashcroft and asking for a Justice Department investigation. The FBI proceeded over the next several weeks to question 100 employees on Capitol Hill, including nearly all of the 37 members of the Senate and House Intelligence Committees.

Most of the Senators and representatives, Republicans and Democrats alike, were reported to have refused to submit to polygraph tests, citing both skepticism about their accuracy as well as the separation of powers. The same congressional committees that are responsible for investigating the performance of the FBI are themselves being investigated by the same agency. As the *New York*

Times editorialized, speaking undoubtedly for major sections of the ruling establishment, “One way to chill a Congressional investigation is to send a flock of FBI agents to Capitol Hill to ask legislators to take polygraph tests and answer questions about their dealings with reporters. Unfortunately, that is precisely what is happening these days at the Senate and House Intelligence Committees as they review the government’s response to terrorist threats in the years leading up to last September 11.”

In a closely related development, the same Justice Department that has sent the FBI to question Congressmen is refusing to answer questions addressed to it by the House Judiciary Committee in its oversight role on the government’s new antiterrorism powers under the USA Patriot Act, the legislation quickly passed after the September 11 attacks.

Republicans and Democrats enthusiastically signed on to the Bush administration’s expansion of surveillance and police powers last fall. Now, however, the White House is making it clear that Congress is needed simply to ratify its decisions, in the rubber-stamp style of a dictatorial regime.

The House is controlled by the Republicans, and the chairman of the Judiciary Committee is Representative F. James Sensenbrenner, a Republican from Wisconsin. The ranking Democrat is John Conyers Jr. of Michigan. Sensenbrenner and Conyers sent Attorney General John Ashcroft a list of 50 questions about the use of new executive powers under the Patriot Act, including demands of bookstore library and newspaper records; lists of calls to and from telephone numbers; and plans for “roving” surveillance.

The Justice Department reply consisted of the vaguest of answers, along with open refusals to respond. To add insult to injury, it arrogated to itself the right to decide which Congressional committee would exercise oversight, informing the Judiciary Committee that it would send replies to the House Intelligence Committee, which has not sought the information and is not charged with oversight on the implementation of the Patriot Act.

The Justice Department reply, according to Conyers, amounted to a statement by Ashcroft that “his activities are not to be oversighted.” Vermont Democratic Senator Patrick Leahy, chairman of the Senate Judiciary Committee, said the administration position was “we will tell you what we want you to know, and we won’t tell you anything else.” Leahy added, “Since I’ve been here, I have never known an administration that is more difficult

to get information from that the oversight committees are entitled to.”

Even Republican right-wingers, including Indiana Republican Dan Burton and Iowa Senator Charles Grassley, have expressed concern about the actions of the Justice Department. Comptroller General David M. Walker, who heads the nonpartisan General Accounting Office, said that the current administration was the most secretive of any he could recall.

The White House has sought to scuttle any investigation of the background to the September 11 attacks, not because it fears that Congress will conduct a serious probe. The Democrats have solidarized themselves with Bush’s militarist policies and have demonstrated they are just as opposed to the public learning about possible government complicity in the events used to justify the so-called war on terrorism.

What is most amazing is that in almost a year since the worst terrorist attack on US soil in history there have never been any public hearings into the events of September 11. Whatever investigation has been held has taken place behind closed doors and the results have been carefully censored.

The White House, however, fears even such an emasculated investigation. It has two motives for this. With deep divisions over policy erupting within the administration and the American political establishment as a whole, the White House is concerned that a continuing investigation could be the vehicle for the release of damaging information. In addition, the Bush administration seeks to intimidate any and all critics as it plows ahead with plans for war in Iraq and elsewhere and steps up its attacks on civil liberties at home.



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