

Obama's "high crimes and misdemeanors"

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The speech delivered Tuesday on the Senate floor by Senator Dianne Feinstein provides clear and direct evidence of crimes against the US Constitution and the democratic rights of the American people, implicating top officials of the Central Intelligence Agency (CIA) and the White House, up to and including the president. Feinstein's allegations of CIA intimidation, obstruction and spying on the Senate Intelligence Committee, which she chairs, constitute "high crimes and misdemeanors," the constitutional basis for impeachment.

Feinstein has longstanding and close ties to the intelligence agencies, which she has categorically defended throughout the months of exposures of illegal spying by the National Security Agency. Yet on Tuesday she gave an hour-long speech in which she charged the CIA with spying on and withholding documents from Congress as part of an attempted cover-up of the program of torture the agency carried out under President George W. Bush.

In the course of her remarks, she provided a detailed narrative of the CIA's criminal actions, including the attempt by CIA Director John Brennan to intimidate the Senate Intelligence Committee and derail its investigation into the Bush-era crimes by accusing committee staffers of stealing classified documents and demanding that the Justice Department launch a criminal investigation. (Brennan, as director of counter-terrorism under Bush, is implicated in the torture program.)

The portrait that emerges is of an intelligence agency that operates outside of all legal constraints, rejects any genuine congressional oversight, and functions as a law unto itself.

The haste with which the US media has moved to bury Feinstein's remarks—which it has generally ascribed to a mere "turf war" between the Senate and the CIA—is itself an indication of the fundamental nature of the crimes outlined by the senator and the complicity of the corporate-controlled media in those crimes.

What is involved is nothing less than an open attack on the constitutional order that arose on the basis of the American Revolution, which is founded on the "separation of powers" and a system of "checks and balances" between the executive, legislative and judicial branches of the government—something the founders deemed essential to prevent the emergence of a dictatorship. The CIA's subversion of the Senate probe into its activities—including its refusal to sanction the publication of a declassified version of the Intelligence Committee's 6,300 page report—is a milestone in the establishment of a de facto dictatorship of the military/intelligence establishment over the people.

That the White House is complicit is clear both in Feinstein's own account of the events and in the response from the Obama administration to the charges. On Wednesday, President Obama

sought to pose as a neutral arbiter in the "issues that are going back and forth between the Senate committee and the CIA." He added, however, that "Brennan has referred them to the appropriate authorities," making clear that he backs the CIA director and the agency's decision to file a criminal complaint against the Senate Intelligence Committee. His remarks echoed those of his press secretary, Jay Carney, who said Tuesday that Obama had "great confidence" in Brennan.

The list of crimes and those implicated include:

- * The initiation in 2002 (under CIA Director George Tenet) of a secret detention system ("black sites") in various locations around the world to hold and torture prisoners. According to Feinstein, an initial review by her committee of these programs was "chilling." She stated, "The interrogations and the conditions of confinement... were far more harsh than the way the CIA has described them to us."

- * The destruction in November of 2005 of 92 videotapes of CIA torture, including water boarding. Among those who approved the destruction of these tapes was Robert EATINGER, then a CIA lawyer and currently the acting CIA general counsel. It is EATINGER who, earlier this year, informed the White House about plans to file a criminal complaint against Senate Intelligence Committee staffers.

In 2010, Obama's Justice Department decided not to file criminal charges related to the destruction of the torture tapes—part of an overall policy of whitewashing and covering up for the crimes of the Bush administration.

- * The Senate Intelligence Committee voted to carry out a full investigation of the CIA detention program in March 2009. From the beginning, this investigation was obstructed by the CIA, almost certainly with the support of the Obama White House. Instead of turning over documents as is standard practice, committee staffers were required to view material in a special office at the CIA, then headed by former Clinton administration official Leon Panetta. In 2010, according to Feinstein, "documents... that had been provided for the committee's staff were no longer accessible."

In her remarks Tuesday, Feinstein said that, "the CIA stated that the removal of the documents was ordered by the White House." If true, the White House is guilty of obstructing a congressional investigation into illegal activity on the part of the executive branch, which includes the CIA. Feinstein noted that the White House denied giving this order.

- * In 2010, as part of its investigation, the committee came across drafts of an internal CIA investigation (the "Panetta review"), which, according to Feinstein, includes an "acknowledgment of significant CIA wrongdoing"—i.e., criminal activity. This report has never been made public. Again, these documents were later

removed from computers accessible to the Senate Intelligence Committee, though staffers were able to save a copy of some documents included in the review.

* In December 2012, the Intelligence Committee completed its review of the CIA program. Last June, Brennan delivered a 122-page response to the Senate report, rebutting key aspects of the report. This response, which remains classified, contradicts the CIA's own internal review, the Panetta review, according to Feinstein and other members of the Senate Intelligence Committee.

* Last December, the Intelligence Committee requested that the CIA provide it with the full and complete version of the Panetta review. Brennan turned down the request and shortly thereafter, on January 15 of this year, according to Feinstein, he informed the committee that the CIA had secretly searched the computers of committee staff and indicated that the agency would continue to investigate staff members involved in the Senate committee's review. Feinstein charged that this "may well have violated the separation of powers" as well as "the Fourth Amendment, the Computer Fraud and Abuse Act [and] Executive Order 12333, which prohibits the CIA from conducting domestic searches or surveillance."

* The CIA followed up its illegal search by filing a complaint with the Justice Department for a criminal investigation into the committee staff, and possibly senators on the committee itself, including Feinstein. The White House was informed of these plans in January and did nothing—giving these actions its tacit support. Feinstein labeled the move "a potential effort to intimidate this staff" and the Intelligence Committee as a whole.

* A report by McClatchy on Wednesday states that more than 9,000 documents have been withheld from the Intelligence Committee at the direct order of the White House, even though Obama has not claimed executive privilege. The news agency quotes Elizabeth Goitein of the New York University Law School as noting, "These documents certainly raise the specter that the White House has been involved in stonewalling the investigation."

These actions go far beyond the extremely serious crimes carried out by Nixon in the Watergate scandal, which led to his resignation in 1974 in the face of near-certain impeachment and removal from office. Revealed are, at the very least, violations of international and domestic law (torture), the destruction of evidence, obstruction of justice, violation of the separation of powers, and illegal spying.

They implicate the top CIA officials throughout this period as well as the leading White House officials, including Obama himself. They have been carried out by Obama's appointees and people who work very closely with him. Brennan was Obama's top counterterrorism adviser during his first term.

All of this has been conducted behind the backs of the American people. Feinstein herself, as head of the Senate Intelligence Committee, has long sanctioned the crimes of the state and is complicit in their cover-up, making a public statement only after she felt compelled to do so in the face of the CIA's legal attack. The senators had, in her words, done everything they could "to resolve this dispute in a discreet and respectful way"—i.e., behind

closed doors.

At the same time, under both Bush and Obama, a massive unconstitutional spying apparatus has been constructed, partially revealed by NSA whistle-blower Edward Snowden. Again, the entire state is complicit, including the Obama White House and Feinstein, who has publicly accused Snowden of carrying out an "act of treason." The president has also openly acknowledged unilaterally ordering the assassination of US citizens.

Impeachment proceedings against government officials are fully warranted, but by no means sufficient. These crimes against the American people must not go unpunished. All of the facts, including the names of all of the perpetrators and accomplices, must be published.

This would begin to peel back the conspiracy of silence between the White House, the intelligence agencies, Congress, the courts and the media that has given the CIA, the NSA and the Pentagon a green light to shred the Bill of Rights and establish the framework for totalitarian rule.

Nearly a decade-and-a-half has passed since the stolen election of 2000. Since then, the attack on democratic rights has escalated, under Democratic no less than Republican administrations. It has been driven by the staggering growth of social inequality, on the one hand, and the increasing turn to militarism and war on the other. The record has demonstrated that no section of the political establishment retains any serious commitment to democratic rights.

The defense of democratic rights is a class question. The emergence of dictatorial forms of rule and the uncontrolled activity of the intelligence agencies are rooted in the capitalist system and the interests of the ruling class. Democracy is not compatible with endless war and social counterrevolution.

To prevent dictatorship and defend its democratic rights, the working class must organize itself independently in a struggle against the existing political and economic system on the basis of a socialist program.



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