A law unto themselves: The CIA and the torture cover-up

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A report by the Central Intelligence Agency's Office of the Inspector General (OIG) marks a significant escalation in the constitutional crisis over the systematic cover-up of the CIA's widespread torture programs.

According to the Inspector General David Buckley, five CIA officials surreptitiously gained access to the computers used by Senate staff investigators while compiling a still-classified 6,300-page report on CIA torture. Two CIA attorneys and three CIA information technology employees created fake accounts in order to follow the movements of Senate staff as they worked.

The OIG weakly asserts that the employees were "acting in a manner inconsistent with the common understanding" brokered between the CIA and the Senate.

What is involved is not a breach of a "common understanding," but a breach of laws and the Constitution. Not only did the spying violate the Fourth Amendment's proscription of unreasonable searches and seizures and laws that prohibit domestic spying by the CIA, it also violated the basic constitutional principle of separation of powers—in this case, a clear intrusion by the executive branch on the investigatory powers of the legislature.

The gravity of the CIA's actions is amplified by the fact that the Senate was investigating actions of the executive branch that *already* violated the Eighth Amendment's proscription on cruel and unusual punishment.

The OIG report provides proof that the Director of the Central Intelligence Agency, John Brennan, lied as part of the cover-up. When first faced with allegations of CIA spying, Brennan declared: "When the facts come out on this, I think a lot of people who are claiming that there has been this tremendous sort of spying and monitoring and hacking will be proved wrong."

In fact, this is exactly what the CIA was doing, and there is every indication that it was done at the direction of Brennan himself.

Each individual layer of illegality implicates top officials in the "high crimes and misdemeanors" required for impeachment and criminal prosecution of high-ranking officials.

This includes the president himself. From the beginning, the Obama administration and the White House have functioned as an auxiliary agency of the intelligence agency. Not only has the Obama administration defended the CIA throughout the scandal, the White House itself withheld documents from the Senate investigation. After sitting on the Senate report for as long as it could, the White House has set up private sessions where the CIA is allowed to read through the evidence and redact the most incriminating sections.

Then, just two weeks ago, the US Department of Justice announced that it would not launch a criminal investigation into the CIA spying—an act that was no doubt taken with foreknowledge of the conclusions of the inspector general report. On Thursday, the White House again jumped to defend Brennan, with press secretary Josh Earnest saying that the report proved that Brennan had "done what is necessary to get to the bottom of what exactly happened," and that he showed the kind of "proactive leadership that the president would expect."

As for Congress, after Senator Dianne Feinstein revealed the illegal spying in a speech on the floor of the Senate in March—accusing the CIA of illegal and unconstitutional activities—the issue was completely dropped. The prostration of the legislative branch before the intelligence apparatus was expressed in

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Feinstein's statement that the OIG report "corrects the record." She praised Brennan for taking "positive first steps."

The whole affair reveals a political system in which the trappings of democracy are a thin cover for a state that is controlled by a gigantic military-intelligence apparatus (including the CIA, NSA, Defense Department and associated agencies) that operates as a law unto itself.

Consider what has happened. In the midst of a series of illegal wars, the CIA under the direction of the Bush administration established an international network of secret prisons and torture centers. This network operated effectively as a separate organization within the government to which the law—both domestic and international—did not apply. Conscious that what they were doing was illegal, high-ranking CIA officials destroyed evidence (including video tapes) of the torture.

Many of the victims of torture were held indefinitely with no semblance of due process and without ever being charged with committing a crime. In those cases where the victim could not stand the pain, the torturers became executioners. Leaks made by those who have read the Senate report have described the methods as "brutal" for inducing "excruciating" pain at "sprawling" black site prisons.

None of those who ordered these illegal actions or carried them out have been prosecuted. The Obama administration, while nominally ending the torture program, continues it in different forms while vastly expanding the illegal drone assassination and domestic spying programs.

Then, after all of this, Senate investigators into the torture program were spied on and threatened, their computers hacked.

The CIA torture cover-up reveals the collapse of democratic forms in the United States, the consequence of unending war abroad and extreme levels of social inequality at home.

Under the auspices of the "war on terror," practically every democratic right has been effectively repealed by a collection of scoundrels and political criminals. The state is overseen by a spying apparatus that seeks to monitor all communications and a president that declares the right to assassinate without due process. The entire political establishment is complicit in torture and other illegal activities, and there is not a hint of opposition from the corporate media. Policy is dictated by a cabal that lives in constant fear of the social explosions that will arise inevitably out of the policies that it has pursued.

The breakdown of democracy is one expression of the protracted crisis of American capitalism and a ruling class that, in its determination to defend its interests at home and abroad, is dispensing with all legality.

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