Behind whitewash of CIA spying: The trail leads to the White House

Thomas Gaist, Patrick Martin
17 January 2015

Only a day after the final CIA whitewash of its unconstitutional spying on the Senate Intelligence Committee, documents released by the agency reveal that the Obama White House knew in advance that CIA operatives had been ordered to investigate the legislative panel, which has legal responsibility for overseeing the agency.

An Accountability Board appointed by CIA Director John Brennan handed down its official finding Wednesday that the five CIA operatives who broke into Senate Intelligence Committee computers and read staff email were acting in good faith and that their spying was "reasonable."

The five-member panel included former Democratic Senator Evan Bayh, former Obama White House Counsel Bob Bauer and three unnamed CIA officials (so much for accountability!). The panel rejected the findings of the agency's own inspector general, David Buckley, prepared last July, which condemned the spying on the Senate committee and referred it to the Justice Department for possible prosecution.

Along with the Accountability Board report, however, the CIA was also compelled to release a redacted version of Buckley's report, which it had been fighting to keep secret, opposing Freedom of Information Act requests from several news organizations.

One attachment to the Buckley report is a memorandum from one of the five CIA operatives, a lawyer for the agency, which makes the remarkable admission about Brennan's prior consultation with the White House before the intrusion into the Senate Intelligence Committee's computer system.

This was a special computer system set up by the CIA itself to handle some six million pages of documents on torture in CIA secret prisons between 2002 and 2007, which became the basis for the 6,300-page report prepared by the Senate Intelligence Committee, and the 512-page summary released to the public—again in redacted form—last month.

At some point during 2013, the CIA learned that the Senate committee staff had obtained a copy of an internal document dubbed the "Panetta report." This was a summary of the evidence of CIA torture, prepared for then-Director Leon Panetta in 2012. This report undercut the CIA's official pretense that it had never tortured prisoners at "black sites" in Europe and Asia.

CIA Director Brennan ordered an investigation into how the document came into the hands of the Senate committee staff and then met with White House Chief of Staff Denis McDonough to brief him on the plan to hack into the computers of the Intelligence Committee. Following this meeting (whose contents remains top secret), Brennan called the CIA attorney who was part of the group of five investigating the Senate committee and told him to use "whatever means necessary" to find the source of the leak.

"The conversation with McDonough came after Brennan first issued the directive, but before he reiterated it to a CIA attorney leading the probe," the internal CIA report states.

This is nothing short of a smoking gun, demonstrating the direct involvement of the Obama White House in actions that Senate Democrats publicly condemned as unconstitutional and illegal. Obama himself was more than likely consulted, given the sensitivity of the issue and his own close ties to Brennan, the head of counterterrorism at the White House before Obama named him as CIA director.

McDonough and Obama are known to have an extremely close relationship, particularly on national

© World Socialist Web Site

security matters, as demonstrated by reports at the time of Obama's decision in August 2013 to pull back from plans for air strikes on Syria. After initially approving the military action, Obama went for a walk with McDonough, during which the two discussed the order to attack Syria and agreed it should be rescinded. No other White House or Pentagon officials were involved in the process.

The memorandum from the CIA lawyer suggests that he was well aware that discussing the spying on the Senate with the White House could be a political bombshell if it was subsequently revealed. He wrote of his conversation with Brennan: "I cautioned that discussing this matter with the WH, at this stage, was problematic, as it could later be viewed as WH interference in a potential criminal investigation."

The memorandum continues:

"I repeatedly counseled the Director, as well as [redacted] and [the Director of the Office of Congressional Affairs], that it was unwise to ask the WH for direction as to a possible criminal investigation… If the WH were to order the inquiry stopped, it could constitute an act in furtherance of obstruction of justice. At the least, it could be interpreted that way by Congressional critics and the press. Merely consulting with the WH would place the director in a bad light, making it appear that he was politicizing a potential criminal matter."

In the upside-down world of the CIA, the "criminal investigation" was being conducted by the agency, the "crime" was the Senate staff obtaining the Panetta review, and "obstruction of justice" would be any effort to prevent the CIA from spying on the Senate. Nonetheless, the use of such language is extraordinary and goes far to explain the frenzied efforts of both the CIA and the Obama White House to block the release of the Senate Intelligence Committee report on torture and all associated documents.

It should be pointed out here that McDonough, who had advance warning from Brennan that the CIA was spying on the Senate committee, was later designated by Obama to "mediate" disputes between the agency and the committee over the declassification of the torture report. Throughout this process, McDonough sided with the CIA. Members of the Senate committee complained that the White House backed CIA demands for redaction of even the pseudonyms given to CIA agents, including those who directly perpetrated acts of torture.

In response to the final whitewash of the CIA by the Accountability Board, Senator Dianne Feinstein, who was chairman of the Intelligence Committee during the preparation of the torture report, issued a statement declaring, "I continue to believe CIA's actions constituted a violation of the constitutional separation of powers."

Feinstein said she was "disappointed that no one at the CIA will be held accountable," but was conspicuously silent about the role played by the White House in both the cover-up of CIA torture and the intrusion into the Senate committee's computers.

The Brennan-McDonough meeting sheds new light on the July 2014 declaration of the Obama Justice Department that it "had no prosecutorial interest" in the CIA spying on the Senate committee. Any such prosecution would have had to follow a trail that led straight to the highest officials in the White House.

Both the circumstances behind the obstruction of the Senate report on CIA torture and the report itself reveal criminality at the highest levels of the state—under both the Bush and the Obama administrations. Yet no one has been held accountable, and the entire matter has been almost entirely dropped by the media.

The authors also recommend:

CIA torture: American democracy in shambles [11 December 2014]

To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact

© World Socialist Web Site