

# No punishment for CIA officials who spied on Senate Intelligence Committee

By Barry Grey  
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A panel appointed by CIA Director John Brennan to review charges by the CIA inspector general that agency employees illegally spied on Senate Intelligence Committee staff members will recommend that no penalties be imposed on the guilty officials.

Citing unnamed “current and former government officials,” the *New York Times* reported December 20 that the five individuals, two CIA lawyers and three information technology employees, have already been informed that they will not be disciplined. The report of the so-called “accountability board” has not been finalized and, according to the *Times*, it may be weeks before it is submitted to the CIA.

But the *Times* article, presumably leaked by government officials to test the media and political response to the latest phase in the whitewash of CIA torture, underscores two basic lessons of the Senate Intelligence Committee report on the torture program and its aftermath: that the United States is run by criminals, and that there is no means for bringing them to justice within the existing political system.

The Obama Justice Department already announced last July that it would not pursue criminal charges in connection with the CIA hacking attack on Intelligence Committee staffers completing work on the 6,700-page classified report and the 524-page unclassified—and heavily redacted—executive summary issued by the committee on December 9. This announcement came the same month that the CIA’s Office of Inspector General issued its report essentially upholding the Senate Intelligence Committee’s charges of illegal CIA spying on its staff members.

The news that the CIA-appointed review board has overturned the findings of the agency’s own inspector general and exonerated those directly involved in the illegal and unconstitutional attack on Congress comes as no surprise. It does, however, confirm the degree to which

the American political system is steeped in lawlessness and criminality.

It also illuminates the connection between the official use of torture and shielding of state officials responsible for torture and the creation of the infrastructure of dictatorship.

The CIA attack on the Senate Intelligence Committee is a fundamental assault on the constitutional structure laid down by the American Revolution. It is a direct violation of the constitutionally mandated powers of the legislative branch to oversee the activities of the executive branch, of which the CIA is a part. It is, in essence, an assertion by the intelligence apparatus that it is not bound by the Constitution or the laws of the land and is not accountable to either Congress or the American people.

The fact that those responsible for this attack, first and foremost CIA Director John Brennan, face no legal consequences only confirms the *de facto* rule of the Pentagon and intelligence agencies, in the service of the financial elite, and the reduction of the presidency and Congress to the role of front men and rubber stamps.

The CIA hacking attack on Intelligence Committee computers was the culmination of a multi-year campaign of obstruction, lies and intimidation aimed at blocking the Senate investigation of the Bush-era torture program and preventing the results of the probe from being released to the public. In this, the CIA had the full and active support of the Obama administration.

In December 2012 the Intelligence Committee completed the basic draft of its report on the Bush-era network of secret CIA “black sites,” where systematic torture of detainees in the “war on terror” was carried out. However, the CIA and the White House refused to give clearance for an unclassified version to be released.

Brennan, who was a top CIA official at the height of the torture program, and then recruited by Obama to serve as his chief counter-terrorism adviser before being promoted

to head the CIA, rejected the committee's findings and last July drafted a 122-page rebuttal, which remains classified. He authorized the bugging of committee staffers' computers last December, ostensibly to determine how they had obtained portions of a 2009 internal CIA review of the torture program (the "Panetta Review") that, according to the Intelligence Committee, supported the committee's findings and exposed Brennan's rebuttal as a compendium of lies.

Brennan informed the Intelligence Committee of the CIA hacking in January and made clear it would continue.

Last March, the chair of the Senate Intelligence Committee, Dianne Feinstein (Democrat from California), took the Senate floor to give an extraordinary and unprecedented speech revealing the CIA spying on her committee and relating it to the withholding and removal of documents from committee investigators and efforts to undermine the probe. She charged that the CIA's actions "may have undermined the constitutional framework essential to effective congressional oversight of intelligence activities or any other government function."

She added that the CIA likely also breached the Fourth Amendment's ban on arbitrary searches and seizures, the Computer Fraud and Abuse Act, and an executive order that prohibits the CIA from carrying out domestic searches or surveillance.

In her account of CIA obstruction and cover-up, Feinstein noted the destruction in 2005 of 92 hours of videotapes of CIA torture of detainees, including waterboarding. The Obama Justice Department decided in 2010 not to prosecute those involved in this crime.

In her speech, Feinstein complained that she had tried for months to resolve the conflict with the CIA "discreetly," but was forced to go public when the CIA made a criminal referral to the Justice Department against Intelligence Committee staffers, charging them with stealing classified documents.

According to the December 20 article in the *Times*, the CIA inspector general's report concluded that the CIA criminal referral against the Intelligence Committee was "based on false information."

Within days of Feinstein's speech, the Obama White House acknowledged the truth of press reports that it had withheld more than 9,000 pages of documents relating to the Bush torture program from the Intelligence Committee. Brennan denied Feinstein's accusation of CIA spying, and Obama leapt to his defense, declaring his full confidence in the CIA director.

The CIA inspector general's report in July exposed Brennan's denials of spying on the Senate to be lies. Brennan then issued a perfunctory apology and Feinstein, a long-standing defender of the intelligence agencies, including the massive National Security Agency spying program, dropped the matter.

The December 20 *Times* article indicates that the impending report of the CIA "accountability board" will be aimed in the first instance at covering up for Brennan himself. The *Times* notes that the five CIA employees named in the inspector general's report vociferously rejected the charges against them and claimed they were following instructions from Brennan.

The *Times* writes: "The inspector general's report included details of a conversation in December 2013, when Mr. Brennan called the home of one of the CIA lawyers under investigation. According to two people with knowledge of the inspector general's findings, the lawyer wrote a memorandum about the conversation that said Mr. Brennan told him he needed to get to the bottom of the matter."

The composition of the CIA whitewash panel underscores the bipartisan nature of the effort to cover up CIA torture and the related crime of spying on Congress, and the direct role of Obama in this process. Its chairman is Evan Bayh, a former Democratic senator who served on the Intelligence Committee. The panel's other outside member is Robert Bauer, who served as White House counsel during Obama's first term.

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