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Cheneyism with a Human Face: Obama's New Imperial Presidency

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Call me a cynic, but I was hardly surprised to learn that the "change" regime is threatening to veto the 2010 intelligence authorization bill "over a provision that would force the administration to widen the circle of lawmakers who are informed about covert operations and other sensitive activities," The Washington Post reported.

Never mind that churlish congressional Democrats, like their corporatist Republican colleagues across the aisle, would crush each other in a stampede to see who'd be first in handing the Executive Branch whatever it wants.

Under the proposed bills (S. 1494 and H.R. 2701), the White House would have to inform all members of both House and Senate intelligence committees of the "main features" of covert operations disclosed to the all-too-pliable "Gang of Eight." Whether this would include specific disclosure to Congress of CIA or Pentagon "black programs," identified in budget authorizations only by code words or cryptonyms, is unknown.

Comprised of the Speaker and minority leader of the House, the majority and minority leaders of the Senate, and the chairman and ranking minority members of the House and Senate intelligence committees, this "Gang"–torture and aggressive war enablers all–have earned a place in the dock alongside Executive Branch criminals–for their facilitation of every law-breaking, constitution-shredding practice of the Bush and now, Obama governments.

According to the Post and other published reports, in a letter sent to "senior members" of the intelligence panels March 15, Office of Management and Budget Director Peter R. Orszag affirmed that "Gang of Eight notifications are made in only 'the most limited of circumstances' affecting 'vital interests' of the United States, arguing that the new requirement would 'undermine the president's authority and responsibility to protect sensitive national security information'."

"Sensitive" as in criminal operations designed to advance the geopolitical agenda of America's multinational corporations, particularly the giant energy, weapons and financial conglomerates who rule the roost.

Orszag is a close confidant of Robert Rubin, the former Treasury Secretary and CEO at the criminal financial enterprise known as Citigroup. In a series of extraordinary reports, Narco News investigative journalist Al Giordano described how Citigroup "has been caught time and time again in narco-money laundering trails in our América and across the globe."

In December 2008, Reuters reported that a group of investors filed a lawsuit against the

firm, charging Citigroup executives, including Rubin, with selling shares at inflated prices whilst concealing the firm's risks. Both Orszag and Rubin were "senior fellows" at the neoliberal Brookings Institution where Orszag directed The Hamilton Project before joining the "change" regime as OMB Director.

The deal killer according to Orszag comprise several items "of serious concern to the Intelligence Community (IC)." If implemented by Congress "the President's senior advisors" would then recommend the bill be vetoed. These include: "the Congressional notification provisions, GAO provisions, and provisions regarding the amounts authorized for the National Intelligence Program."

According to Secrecy News security analyst Steven Aftergood, the "dispute over an increased role for GAO in intelligence oversight is particularly illustrative of the disparate and conflicting interests of the legislative and executive branches."

The answer to Aftergood's rhetorical question, whether the "status quo is good enough?" when it comes to increased oversight, given Executive Branch malfeasance in crafting make believe intelligence during the run-up to the 2003 U.S. invasion and occupation of Iraq, would inevitably be "no."

Recall the oft-quoted statement by the former Director of the British intelligence agency MI6, Richard Dearlove, who infamously told the Blair regime in the leaked Downing Street Memo that "the intelligence and facts were being fixed (by the U.S.) around the policy."

A million dead Iraqis later, Dearlove's grim assessment still stands.

Indeed, following a script written by Bushist war and torture enablers John Yoo, Jay Bybee and David Addington, Orszag alleges that "allowing GAO to conduct intelligence oversight … would fundamentally change the statutory framework for oversight of the IC through the intelligence oversight committees and alter the long-standing relationship and information flow between the IC and intelligence committee members and staff."

In other words, despite fundamentally restrictive and opaque methods deployed by the Executive Branch to conceal covert operations, including blatantly illegal programs barred by U.S. and international law, Salon's Glenn Greenwald notes that so-called "Gang of Eight" briefings are a "sham process."

According to Greenwald, the current rigged game "allowed the administration to claim that it 'briefed' select Congressional leaders on illegal conduct, but did so in a way that ensured there could be no meaningful action or oversight, because those individuals were barred from taking notes or even consulting their staff and, worse, because the full Intelligence Committees were kept in the dark and thus could do nothing even in the face of clear abuses."

As readily apparent, particularly where Bush's torture and warrantless wiretapping programs were concerned, the former, and now current, administration can claim they had "informed" congressional leaders of secret administration policies. Never mind that the allegedly "co-equal" branch of government, Congress, can do nothing to stop these dubious programs; not to worry, our "representatives" are "in the loop"!

Regardless of whether or not these programs violated the law–under international treaty

obligations and U.S. law in the case of torture or the protection of Americans' First and Fourth Amendment rights with respect to illegal spying–the administration has simply declared that abiding by any statutory requirements vis-à-vis Congress's lawful oversight of the Executive Branch are simply null and void.

"Team B" Nation

The Obama administration, like their Bushist predecessors, have also declared that Federal Courts are also off-limits when it comes to reeling in abuses by the "unitary executive," a novel constitutional theory promulgated by the ultrarightist Federalist Society and wholly embraced by the current government.

In the wake of 1970s revelations of widespread spying and other abuses against the American people by successive administrations–COINTELPRO (FBI), Operation CHAOS (CIA), Project MINARET (NSA)–Congress briefly asserted its prerogatives to rein-in the Executive Branch by creating the FISA court (a rubber-stamp to be sure) that on paper at least if not in practice, would oversee the surveillance activities of the secret state.

Push-back wasn't long in coming, however. With the rise of the Reagan administration, neoconservative corporate toadies such as Dick Cheney, Donald Rumsfeld, Paul Wolfowitz and others asserted that the hypermilitarized American capitalist state was "under siege" by a "resurgent" Soviet Union (already in the throes of collapse) and that the intelligence agencies had been "gutted" by "overzealous" civil liberties "extremists."

As investigative journalist Robert Parry has pointed out, under former CIA Director and future President George H.W. Bush, the "Team B" concept for ginning-up intelligence gained favor in the corridors of power.

> Scary assessments of Soviet power and U.S. weakness also fueled Ronald Reagan's campaign in 1980, and after his election, the Team B hard-liners had the keys to power. As Reagan and his vice presidential running mate, George H.W. Bush, prepared to take office, the hard-liners wrote Reagan's transition team report, which suggested that the CIA analytical division was not simply obtuse in its supposed failure to perceive Soviet ascendancy, but treasonous. (Robert Parry, "Why U.S. Intelligence Failed," Consortium News, October 22, 2003)

Gone were the secret, though brutally frank assessments, made by security and intelligence analysts across government as revealed by Daniel Ellsberg's 1971 leaking of the Pentagon Papers to The New York Times. Such appraisals as Parry averred were now considered "treasonous," indeed, were grounds for witchhunts and purges of intelligence officials who didn't toe the neocon party line during the run-up to the Iraq invasion.

With the lies of the Kennedy and Johnson administrations exposed by Ellsberg and his colleagues, and the basis for the American invasion of Southeast Asia revealed for what it was, a monumental fraud, elite managers were thrown into crisis.

As a transcript of President Nixon's June 14, 1971 Oval Office tape disclosed, White House Chief of Staff H.R. Haldeman described the situation thusly: "To the ordinary guy, all this is a bunch of gobbledygook. But out of the gobbledygook comes a very clear thing: You can't trust the government; you can't believe what they say; and you can't rely on their

judgment; and the implicit infallibility of presidents, which has been an accepted thing in America, is badly hurt by this, because it shows that people do things the President wants to do even though it's wrong, and the President can be wrong."

Haldeman's bleak assessment has now become the basis for the capitalist state's descent into presidential dictatorship; after all, as the "democratically elected" leader of the "free world," one must enforce, by all means necessary "the implicit infallibility of presidents."

A decade after Pentagon Papers' revelations, the ascendance of Reagan regime neocons laid the ideological foundations for the assault on America's republican form of governance, by many of the same players who are now permanent embeds, in the George W. Bush and Barack Obama administrations.

Presidential Dictatorship

Subverting the long-standing notion of "judicial supremacy" articulated by Supreme Court Chief Justice John Marshall in 1803, that the Court is the "final arbiter" of what is and what is not the law, Bushist doctrine (firmly embraced by Obama "change" mavens) asserts that the "unitary executive" has full license to overrule, indeed bypass Congress and the Courts, based on the thinnest of reeds: that the President can interpret the Constitution and even violate long-established laws and treaties in his role as "Commander-in-Chief."

This was made clear most recently when the Federal District Court in San Francisco dismissed the Electronic Frontier Foundation's landmark Hepting v. AT&T and Jewel v. NSA lawsuits.

Currently, the Obama administration is challenging the 9th Circuit Court of Appeals April 2009 ruling that the ACLU's lawsuit against the CIA's illegal torture flights, facilitated by a Boeing Corporation subsidiary, in Mohamed et. al. v. Jeppesen Dataplan, Inc. can go forward. Like Bush's Justice Department, the Obama administration is arguing that the suit cannot go to court, thereby denying CIA torture victims a measure of justice, on grounds that privileged "state secrets" would be disclosed.

EFF filed an appeal with the U.S. 9th Circuit Court of Appeals in San Francisco March 19, citing the dangerous precedent set by U.S. District Court Judge Vaughn Walker, who ruled in January that "that because so many people have been impacted by the widespread surveillance, no individual person has a 'particularized injury'."

In other words, precisely because illegal driftnet spying, data mining and national security indexing of "U.S. persons" are so pervasive, mere background noise as the secret state's noose tightens around all our necks, citizens and legal residents alike will no longer be afforded a legal remedy to challenge specious national security claims made by Executive Branch repressors.

EFF's Legal Director Cindy Cohn writes: "This ruling is not only wrong–the NSA's interception of your private emails with your doctor, spouse or child is an individual harm to you regardless of whether it also happened to other people too–but also extremely dangerous because it would have the courts blind themselves to massive violations of the law and the Constitution on the grounds that they impact too many people."

Not that congressional grifters in either capitalist political party, "liberal" Democrats or "conservative" Republicans give a damn about our rights, as they amply demonstrated

when they passed the scurrilous FISA Amendments Act of 2008 (FAA).

That onerous piece of legislative flotsam legalized Bush regime warrantless wiretapping whilst providing the giant telecommunications firms and Internet service providers with retroactive immunity for their profitable role as partners alongside America's secret state.

Recall that feckless Senator and now President, Barack Obama, who might have said he "opposed FAA before he supported it," has embraced, indeed expanded every single illegal maneuver–from aggressive war to wholesale spying–as his Bushist counterparts. One might even say, if "only Nixon could go to China," then only an Obama (covered by his "progressive" acolytes) could enlarge the repressive writ of the intelligence agencies!

As Federal Computer Week reported March 17, the public-private enterprise fueling domestic repression known as "fusion centers" are expanding rapidly as a result of cold, hard cash pumped into the system by the federal government.

According to FCW journalist Patrick Marshall, "DHS and the Justice Department have driven the development of fusion centers." Both departments have provided a "variety of resources, including personnel and grants" that have seen such data mining centers balloon from 38 in 2006 to some 72 currently in operation nationwide, with more on the horizon.

But as the ACLU revealed in two incisive reports in 2007 and 2008, the "types of information they seek for analysis has also broadened over time to include not just criminal intelligence, but public and private sector data, and participation in these centers has grown to include not just law enforcement, but other government entities, the military and even select members of the private sector."

According to the civil liberties' watchdog, their proliferation "raise very serious privacy issues at a time when new technology, government powers and zeal in the 'war on terrorism' are combining to threaten Americans' privacy at an unprecedented level." Indeed, the ACLU reported in September 2009 that fusion centers have been caught spying on antiwar, environmental and religious groups and will, under Obama, now receive access to classified military intelligence.

That Congress will roll-over and accede to administration demands over the issue of intelligence oversight is a foregone conclusion. One would expect nothing less from the best Congress money can buy! But these legislative vampires are now planning to take things a step further.

Arizona Senator and failed presidential candidate, John McCain, introduced the Enemy Belligerent, Interrogation, Detention, and Prosecution Act of 2010 (S. 3081) in the Senate on March 4.

McCain, and co-sponsors Scott Brown (R-MA), Saxby Chambliss (R-GA), James Inhofe (R-OK), George LeMieux (R-FL), Joseph Lieberman (ID-CT), Jeff Sessions (R-AL), John Thune (R-SD), David Vitter (R-LA), and Roger Wicker (R-MS) are crafting legislation that Glenn Greenwald has described as "the single most extremist, tyrannical and dangerous bill introduced in the Senate in the last several decades, far beyond the horrific, habeas-abolishing Military Commissions Act."

Greenwald writes that the bill literally "empowers the President to imprison anyone he wants in his sole discretion by simply decreeing them a Terrorist suspect–including

American citizens arrested on U.S. soil."

The bill mandates that all such individuals "be placed in military custody," and explicitly states that they "may be detained without criminal charges and without trial for the duration of hostilities against the United States or its coalition partners."

As The Atlantic's national security correspondent Marc Ambinder writes, although the bill is being treated by the "national security community" as a "standard proposal" and a simple response "to the administration's choices in the aftermath of the Christmas Day bombing attempt," a closer reading reveals that it would allow the U.S. military to detain U.S. citizens without trial indefinitely in the U.S. based on "suspected activity."

Welcome to the Orwellian world of Precrime. It can't happen here? It already has.

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