

The CIA Won the Midterm Elections

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The wheels up party is a venerable CIA tradition, normally celebrated at overseas stations when a particularly incompetent Chief of Station or a hostile ambassador was in the process of permanently leaving post. The drinking would begin at a time estimated to coincide with the moment when the dearly departed's aircraft lifted off from the tarmac on its way to Washington.

Wheels ups are rarer at CIA headquarters in Langley, Va., though celebrations were reported when Ronald Reagan defeated Jimmy Carter in 1980; but as a number of senior officers in the Agency actually had a hand in that development, there was probably a measure of self-congratulation at a job well done.

One might well imagine that the partying began at Langley shortly after the polls closed last Tuesday, as soon as it became clear that there would be a GOP Senate majority. More to the point, Sen. Dianne Feinstein would be performing her own wheels up, relinquishing her position as Select Committee on Intelligence (SSCI) chair to be replaced by the little known Richard Burr of North Carolina. Burr is regarded by the Agency as a good friend, someone who had already [staked out a position](#) in favor of protecting government secrecy, stating "I personally don't believe that anything that goes on in the intelligence committee should ever be discussed publicly." He also basically supports the CIA position that torture produced information critical to the killing of Osama bin Laden, commenting that "The information that eventually led us to this compound was the direct result of enhanced interrogations..." Burr is regarded as a right-wing conservative and has earned the ultimate accolade of a zero rating from the American Civil Liberties Union.

Now some might argue that Feinstein herself did her best to preserve the executive branch's right to assassinate Americans overseas, to spy secretly, set up black site prisons and to engage in other activities that are best not discussed in polite company. Many of these activities were carried out by the CIA, but Feinstein did draw the line at torture, which is one of the few illegal acts that the Obama administration credibly claims to be against, placing Feinstein on safe ground bureaucratically speaking. She only turned against the Agency when she learned that it had had the temerity to spy on the activity of her own committee.

In a [recent speech](#) made before the midterms, election Director of National Intelligence, James Clapper expressed his confidence that congressional moves to rein in National Security Agency spying had pretty much lost momentum. With Republicans now firmly in charge, remaining watered down measures are likely to die in committee.

And given the post electoral euphoria, does anyone inside the Beltway even remember the passionate debate over the SSCI report on CIA torture? The hotly contested issue of when or

how to release the report, or sections of it, to the public is now as dead as the proverbial dodo—even if some heavily redacted version of the report summary does somehow emerge, particularly as the White House has effectively distanced itself from the entire process. The meticulously researched [Senate report](#), covering 6,700 pages and including 35,000 footnotes, apparently concluded that torturing terrorist suspects was not only illegal under the United Nations Convention on Torture, to which Washington is a signatory; it was also ineffective, producing no actionable intelligence that was otherwise unobtainable. The CIA is [reportedly working](#) on a rebuttal maintaining that the extreme measures were effective and has also been blocking “naming names” in the final document based on cover and other security concerns.

Since a “forgive and forget” forward-looking White House has already indicated that no one will ever be punished for illegal actions undertaken in the wake of 9/11, why is the torture issue important beyond the *prima facie* case that a war crime that was authorized by the highest levels of the federal government?

It is important because of its constitutional implications and its contravention of the principle of rule of law in the United States. The constitutional issue, in its simplest terms, is that the CIA works for the president, and when it operates without legally mandated oversight by the executive branch and judiciary, it makes the Agency little better than a secret army run by the POTUS.

Even conceding that Feinstein might have been proceeding with the best interests of the country in mind, the past 24 months of delay in the report’s release have demonstrated that the intel community, with the support of the White House, can stonewall any issue until the cows come home.

It has been suggested that the Agency is trying to avoid the inclusion in any released summaries any blame or suggestion of “mission failure” which would potentially affect budgets and broader Agency political interests, but some of us who were once in CIA suspect that the report includes information that might be much more damaging, to include really nasty details, possibly identifying many more deaths under interrogation than have been previously admitted. Former CIA General Counsel John Rizzo has suggested in [a recent interview](#) that some “lethal” proposals for retaliatory action made post 9/11 were “chilling,” though he refused to describe them in any detail. When Feinstein was railing at the Agency stonewalling there was genuine concern at Langley that a new Church Commission going through the CIA’s dirty laundry might well be the result, leading to more legal restrictions on clandestine activity.

So the downfall of the Democrats did indeed provide cause for celebration. If the Dom Perignon was flowing on the seventh floor at CIA Headquarters and its counterparts working for Clapper, it is partly because they had obtained a get out of jail free card. But more important, they now also have every expectation of seeing recent budget cuts linked to drawdowns in Iraq and Afghanistan reversed and possibly even go the other way. Currently \$67.9 billion is spent on civilian and military spying, down [15 percent](#) since 2010, but Burr is on record as favoring more spending on defense, and as much of the intelligence budget is rolled into the massive Pentagon bill one hand will likely be washing the other, as the Italians would put it.

The grounds for such a reversal of fortune has been well prepared by the intelligence community’s persistent overhyping of what Clapper [refers to](#) as a “perfect storm” of

“diverse” threats currently confronting the United States, most notably ISIS and associated groups together with the manufactured crisis in Ukraine. And it comes at the time when the government’s bete noire Edward Snowden has weakened the capability to strike back. The White House and mainstream media have taken their lead from the intelligence community, convincing the public that radical Islam and Moscow are at it again, requiring a return to post-9/11 thinking. All of which means that the gravy train has again arrived at Washington’s Union Station.

What goes on in Washington committees would be comic opera or even institutionalized buffoonery but for the fact that there are real world consequences. If torture is not discredited as a tool for national security it will undoubtedly be used again in the wake of another terrorist attack, further damaging U.S. credibility and inevitably distancing Washington from its actual and potential allies. The Republican effort to scuttle negotiations with Iran might also feature an intelligence sidebar. Incoming House Intelligence Committee Chairman Devin Nunes [has already announced](#) his intention to look into any involvement of the Agency in secret negotiations with Iran being conducted by the White House. He wants to discredit the process by claiming that the intelligence role had not been acknowledged in oversight briefings before his committee, suggesting that the Obama administration was covering up and is heading towards a bad deal with Tehran.

And so it goes. Feeble congressional attempts to rein in and establish some accountability relating to the out-of-control intelligence community are now dead. Worse still, the likely acceptance of a GOP perception that the United States is experiencing a national security failure as it confronts a broad array of intractable foreign threats fits in neatly with the Clapper warning about a “perfect storm.” Budgets will rise and concerns over extraordinary measures being used to confront the menace will be placed on the back burner. How long will it be before we again start referring to the “global war on terror?”

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