

THE BARNACLE BRANCH STILL EVADING OVERSIGHT

I'll have several things to say about Sy Hersh's latest. For the moment, though, I just wanted to lay out his central argument: that Dick Cheney is abusing the structure of command and Congressional oversight to launch a covert campaign against Iran.

Hersh reports that President Bush signed a Finding authorizing broad actions against Iran. Here's how Andrew Cockburn described the finding, in a piece cited by Hersh:

Six weeks ago, President Bush signed a secret finding authorizing a covert offensive against the Iranian regime that, according to those familiar with its contents, "unprecedented in its scope."

Bush's secret directive covers actions across a huge geographic area – from Lebanon to Afghanistan – but is also far more sweeping in the type of actions permitted under its guidelines – up to and including the assassination of targeted officials. This widened scope clears the way, for example, for full support for the military arm of Mujahedin-e Khalq, the cultish Iranian opposition group, despite its enduring position on the State Department's list of terrorist groups.

Similarly, covert funds can now flow without restriction to Jundullah, or "army of god," the militant Sunni group in Iranian Baluchistan – just across the Afghan border – whose leader was featured not long ago on Dan Rather Reports cutting his brother in law's throat.

Other elements that will benefit from U.S. largesse and advice include Iranian Kurdish nationalists, as well the Ahwazi arabs of south west Iran. Further afield, operations against Iran's Hezbollah allies in Lebanon will be stepped up, along with efforts to destabilize the Syrian regime.

The fans of regime change have managed to implement such a plan while evading oversight in a couple of ways. First, the hawks pushed out Admiral William Fallon on March 11 rather than reading him in on some of the stuff they were doing with Specials Ops forces in the Middle East.

Fallon's early retirement, however, appears to have been provoked not only by his negative comments about bombing Iran but also by his strong belief in the chain of command and his insistence on being informed about Special Operations in his area of responsibility.

[snip]

"He was charged with coming up with an over-all coherent strategy for Iran, Iraq, and Afghanistan, and, by law, the combatant commander is responsible for all military operations within his A.O."—area of operations. "That was not happening," [Marine General Jack] Sheehan said. "When Fallon tried to make sense of all the overt and covert activity conducted by the military in his area of responsibility, a small group in the White House leadership shut him out."

As Hersh explains, post-9/11 the Bush Administration weakened Goldwater-Nichols, largely by giving Special Ops its own command and reporting structure.

The law cited by Sheehan is the 1986 Defense Reorganization Act, known as Goldwater-Nichols, which defined the chain of command: from the President to the Secretary of Defense, through the chairman of the Joint Chiefs of Staff, and on to the various combatant commanders, who were put in charge of all aspects of military operations, including joint training and logistics. That authority, the act stated, was not to be shared with other echelons of command. But the Bush Administration, as part of its global war on terror, instituted new policies that undercut regional commanders-in-chief; for example, it gave Special Operations teams, at military commands around the world, the highest priority in terms of securing support and equipment. The degradation of the traditional chain of command in the past few years has been a point of tension between the White House and the uniformed military.

So the first thing the war hawks did was put in a bunch of operations controlled centrally, outside the traditional chain of command, largely with Dick Cheney's paws on it.

The problem, though, is that Special Ops still relies on CIA for certain capabilities—language skills and local ties—which meant CIA had to be brought into the operations.

But the borders between operations are not always clear: in Iran, C.I.A. agents and regional assets have the language skills and the local knowledge to make contacts for the JSOC operatives, and have been working with them to direct personnel, matériel, and money into Iran from an obscure base in western Afghanistan.

And the CIA, because covert actions must be

approved by a Presidential Finding, and because the plans included targeting of high value targets, demanded that Bush sign a finding authorizing the CIA to be associated with operations that will kill high profile figures.

One issue has to do with a reference in the Finding, the person familiar with it recalled, to potential defensive lethal action by U.S. operatives in Iran.

[snip]

The language was inserted into the Finding at the urging of the C.I.A., a former senior intelligence official said.

The Finding was signed some time around March 21—just ten days after Fallon’s resignation.

Yet according to the Barnacle Branch and Unitary Executive rules, the Bush Administration doesn’t have to tell Congress what Special Ops is doing.

Under the Bush Administration’s interpretation of the law, clandestine military activities, unlike covert C.I.A. operations, do not need to be depicted in a Finding, because the President has a constitutional right to command combat forces in the field without congressional interference.

[snip]

“This is a big deal,” the person familiar with the Finding said. “The C.I.A. needed the Finding to do its traditional stuff, but the Finding does not apply to JSOC. The President signed an Executive Order after September 11th giving the Pentagon license to do things that it had never been able to do before without notifying Congress. The claim was that the military was ‘preparing the battle space,’ and by using that term they were able to circumvent congressional oversight.

And one of the things Bush has authorized without telling Congress about it is the targeting of high value targets.

One of JSOC's task-force missions, the pursuit of "high-value targets," was not directly addressed in the Finding.

[snip]

"Everybody's arguing about the high-value-target list," the former senior intelligence official said. "The Special Ops guys are pissed off because Cheney's office set up priorities for categories of targets, and now he's getting impatient and applying pressure for results. But it takes a long time to get the right guys in place."

So apparently, Dick's got a list of people he wants assassinated before he leaves office—and he's getting impatient.

I'm curious. One high-value Iranian-associated target, Imad Mugnyiah, was assassinated in Lebanon just over a month before this Finding was signed, on February 12. And Ahmadinejad is intent on proving that the US tried to assassinate him when he was in Iraq in early March. Are these the (one successful, one attempted) assassinations that got the CIA worried enough to demand a Finding?

Update: Changing my "saw say" per Leen.