

RATHER THAN LYING TO CONGRESS, CIA NOW BLOWS IT OFF

Five months into Obama's first term, then-CIA Director Leon Panetta caused a scandal by telling Congress about Blackwater-staffed assassination squads deployed under the Bush Administration; we would ultimately learn the program was run by a still-active mafia hitman.

Partly in response and partly because of the CIA's lies to Congress under the Bush Administration, the Intelligence Committees began to tie funding to full briefing of the Committees, rather than just Gang of Eight (which were really Gang of Four) briefings Bush used to avoid oversight. The White House responded by issuing a veto threat if Congress violated the "fundamental compact" of letting CIA operate with almost no oversight. In response, after adding the shoot-down of a missionary plane to the scope, then House Intelligence Chair Silvestre Reyes got Pete Hoekstra to support an investigation into all the times CIA lied to Congress, which Reyes announced in July 2009. By October 2009, the House Intelligence Committee released its preliminary conclusion that CIA had lied to Congress on at least five occasions. In summer 2010, Nancy Pelosi got pissed. In October 2010, Obama finally signed Intelligence Authorization purportedly agreeing to new oversight. In November 2010, Reyes released the final results of the HPSCI inquiry, which showed that "in several specific instances, certain individuals did not adhere to the high standards set forth by the Intelligence Community and its agencies." However, he said, most of the problems were fixed with that year's Authorization. In the next Congress, Reyes would be replaced as Ranking Member at HPSCI by Dutch Ruppersberger, a servant to the NSA.

From June 2009 until October 2010, a Democratic

Congress and the Obama Administration were engaged in a surprisingly contentious argument over whether the Administration would permit Congress to engage in adequate oversight of the Intelligence Community. In October 2010, the Administration purportedly agreed to abide by the clear terms of the National Security Act, which requires briefing of all members of the Intelligence Committees on covert programs.

With that in mind, consider the timeline suggested by Senate Intelligence Committee member Ron Wyden's letter to John Brennan (see also this post).

December 2010: Wyden and Russ Feingold ask Eric Holder about "the interpretation of a particular statute" (probably having to do with online privacy)

Before January 2011: Wyden asks about targeted killing authority

April 2011: Wyden calls Eric Holder with questions about targeted killing authority

May 2011: Intelligence Community provides some response to Wyden, without answering basic questions

Before January 2012: Wyden asks for "the complete list of countries in which the intelligence community has used its lethal counterterrorism authorities"

Early 2012: Wyden repeats request for response to letter about a particular statute (probably online privacy)

February 2012: Wyden renews his request for answers on targeted killing

In October 2010, the Obama Administration agreed to let Congress oversee the Intelligence Community's activities.

Almost immediately thereafter, the

Administration started stonewalling Wyden, a member of one of those Committees with supposedly renewed oversight authority, on at least three issues (though two—the lethal authority and the targeted killing—are closely related). (As I'll discuss in a follow-up post, they also blew off Wyden's request to revoke an OLC opinion that probably guts Americans' privacy.)

And remarkably, one of the topics on which the IC is stonewalling Wyden—where the IC has engaged in lethal counterterrorism authorities—may well be precisely the issue that set off this process back in June 2009, the use not just of drones to kill alleged terrorists, but also assassination squads.

Even as Wyden made this timeline clear, he also revealed not only that the CIA lied to all the outside entities overseeing its torture program, but continues to lie to the American people about that program.

As Obama's top counterterrorism advisor and an at least tangential participant in the earlier decisions on the "lethal counterterrorism authorities," John Brennan has presumably been instrumental in the continued stonewalling of Congress. In a few weeks, he hopes to be approved to lead the CIA.