

THE CONSTITUTION PROJECT



Safeguarding Liberty, Justice & the Rule of Law

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TCP: Senate Outrage at CIA Intrusion a 'Defining Moment'

WASHINGTON, D.C. -- Virginia Sloan, president of The Constitution Project, a bipartisan legal watchdog group, offered the following comments in response to a statement made on the Senate floor this morning by Senator Dianne Feinstein (D-Calif.) regarding CIA interference with an investigation by the Senate Select Committee on Intelligence of the agency's treatment of suspected terrorists after the attacks of 9-11:

"We are outraged by Senator Feinstein's description of repeated efforts by the CIA to thwart critical and legitimate congressional oversight through delays, attacks, intimidation and attempts to conceal. This is not a partisan issue. Such conduct strikes at the heart of our nation's constitutional system of separation of powers.

"This is truly a defining moment, not only for congressional oversight of the intelligence community, but also for President Obama's legacy on torture. The White House cannot allow the CIA to drive this process any longer. The president must ensure that the committee's report is declassified to the fullest extent possible, as well as the CIA's response to the committee's study and the so-called Panetta review. But President Obama should not stop there; he should declassify the rendition, detention and interrogation program itself.

"The American people deserve a full accounting of what was done in our name. The CIA's institutional legitimacy depends on this increased transparency. So does our system of constitutional checks and balances."

At the heart of the dispute is an internal review conducted for then-CIA director Leon Panetta that purportedly supports the committee's conclusions and refutes many of the claims made in the agency's official response. Feinstein, who chairs the Senate committee, said the documents were obtained legitimately as a part of the committee's broader review and transported legally to secure Senate facilities on Capitol Hill.

Feinstein said the CIA search of the committee's computers and the referral of actions of the committee staff to the Justice Department for possible criminal prosecution were intended to prevent the committee from making portions of its report public. She said the agency's actions clearly violated the separation of powers, and may have violated the Fourth Amendment, several federal laws and a presidential executive order that precludes the CIA from conducting domestic surveillance.

In a speech at the Council on Foreign Relations later in the morning, CIA director John Brennan denied that the agency had acted improperly. He said the CIA believes in the necessity of strong and effective congressional oversight.

The committee adopted its 6,300-page report, based on the review of millions of pages of classified documents, in December, 2012. Despite repeated calls for public release by The Constitution Project and others, the Senate study remains secret. Feinstein said she planned to ask the committee later this month to send the findings, conclusions and executive summary of the report to the White House for declassification and release.

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Created out of the belief that we must cast aside the labels that divide us in order to keep our democracy strong, The Constitution Project (TCP) brings together policy experts and legal practitioners from across the political spectrum to foster consensus-based solutions to the most difficult constitutional challenges of our time. TCP seeks to reform the nation's broken criminal justice system and to strengthen the rule of law through scholarship, advocacy, policy reform and public education initiatives. Established in 1997, TCP is based in Washington, D.C.