

Making Excuses for Russiagate

As months turn into nearly two years and no solid evidence emerges to nail Russia for nabbing Election 2016, some big Russia-gate cheerleaders are starting to cover their tracks, as Daniel Lazare explains.

By **Daniel Lazare** *Special to Consortium News*



The best evidence that Russia-gate is sinking beneath the waves is the way those pushing the pseudo-scandal are now busily covering their tracks. *The Guardian* complains that “as the inquiry has expanded and dominated the news agenda over the last year, the real issues of people’s lives are in danger of being drowned out by obsessive cable television coverage of the Russia investigation” – as if *The Guardian’s* own coverage hasn’t been every bit as obsessive as anything CNN has come up with.

The Washington Post, second to none when it comes to painting Putin as a real-life Lord Voldemort, now says that Special counsel Robert Mueller “faces a particular challenge maintaining the confidence of the citizenry” as his investigation enters its second year – although it’s sticking to its guns that the problem is not the inquiry itself, but “the regular attacks he faces from President Trump, who has decried the probe as a ‘witch hunt.’”

And then there’s *The New York Times*, which this week devoted a 3,600-word front-page article to explain why the FBI had no choice but to launch an investigation into Trump’s alleged Russian links and how, if anything, the inquiry wasn’t aggressive enough. As the article puts it, “Interviews with a dozen current and former government officials and a review of documents show that the FBI was even more circumspect in that case than has been previously known.”

It’s Nobody’s Fault

The result is a late-breaking media chorus to the effect that it’s not the fault of the FBI that the investigation has dragged on with so little to show for it; it’s not the fault of Mueller either, and, most of all, it’s not the fault of the corporate press, even though it’s done little over the last two years than scream about Russia. It’s not anyone’s fault, evidently, but simply how the system works.

This is nonsense, and the gaping holes in the *Times* article show why.

The piece, written by Matt Apuzzo, Adam Goldman, and Nicholas Fandos and entitled “Code Name Crossfire Hurricane: The Secret Origins of the Trump

Investigation," is pretty much like everything else the Times has written on the subject, i.e. biased, misleading, and incomplete. Its main argument is that the FBI had no option but to step in because four Trump campaign aides had "obvious or suspected Russian ties."

'At Putin's Arm'

One was Michael Flynn, who would briefly serve as Donald Trump's national security adviser and who, according to the Times, "was paid \$45,000 by the Russian government's media arm for a 2015 speech and dined at the arm of the Russian president, Vladimir V. Putin." Another was Paul Manafort, who briefly served as Trump's campaign chairman and was a source of concern because he had "lobbied for pro-Russia interests in Ukraine and worked with an associate who has been identified as having connections to Russian intelligence." A third was Carter Page, a Trump foreign-policy adviser who "was well known to the FBI" because "[h]e had previously been recruited by Russian spies and was suspected of meeting one in Moscow during the campaign."

The fourth was George Papadopoulos, a "young and inexperienced campaign aide whose wine-fueled conversation with the Australian ambassador set off the investigation. Before hacked Democratic emails appeared online, he had seemed to know that Russia had political dirt on Mrs. Clinton."

Seems incriminating, eh? But in each case the connection was more tenuous than the *Times* lets on. Flynn, for example, didn't dine "at the arm of the Russian president" at a now-famous December 2015 Moscow banquet honoring the Russian media outlet RT. He was merely at a table at which Putin happened to sit down for "maybe five minutes, maybe twenty, tops," according to Green Party presidential candidate Jill Stein who was just a few chairs away. No words were exchanged, Stein says, and "[n]obody introduced anybody to anybody. There was no translator. The Russians spoke Russian. The four people who spoke English spoke English."

The Manafort associate with the supposed Russian intelligence links turns out to be a Russian-Ukrainian translator named Konstantin Kilimnik who studied English at a Soviet military school and who vehemently denies any such connection. It seems that the Ukrainian authorities did investigate the allegations at one point but declined to press charges. So the connection is unproven.

Page Was No Spy

The same goes for Carter Page, who was not "recruited" by Russian intelligence, but, rather, approached by what he thought were Russian trade representatives at a January 2013 energy symposium in New York. When the FBI informed him five

or six months later that it believed the men were intelligence agents, Page appears to have cooperated fully based on a federal indictment filed with the Southern District of New York. Thus, Page was not a spy *pace* the Times, but a government informant as ex-federal prosecutor Andrew C. McCarthy has pointed out – in other words, a good guy, as the Times would undoubtedly see it, helping the catch a couple of baddies.

As for Papadopoulos, who the Times suggests somehow got advance word that WikiLeaks was about to dump a treasure trove of Hillary Clinton emails, the article fails to mention that at the time the conversation with the Australian ambassador took place, the Clinton communications in the news were the 30,000 State Department emails that she had improperly stored on her private computer. These were the emails that “the American people are sick and tired of hearing about,” as Bernie Sanders put it. Instead of spilling the beans about a data breach yet to come, it’s more likely that Papadopoulos was referring to emails that were already in the news – a possibility the Times fails to discuss.

FBI ‘Perplexed’

One could go on. But not only does the *Times* article get the details wrong, it paints the big picture in misleading tones as well. It says that the FBI was “perplexed” by such Trump antics as calling on Russia to release still more Clinton emails after WikiLeaks went public with its disclosure. The word suggests a disinterested observer who can’t figure out what’s going on. But it ignores how poisonous the atmosphere had become by that point and how everyone’s mind was seemingly made up.

By July 2016, Clinton was striking out at Trump at every opportunity about his Russian ties – not because they were true, but because a candidate who had struggled to come up with a winning slogan had at last come across an issue that seemed to resonate with her fan base. Consequently, an intelligence report that Russia was responsible for hacking the Democratic National Committee “was a godsend,” wrote Jonathan Allen and Amie Parnes in *Shattered*, their best-selling account of the Clinton campaign, because it was “hard evidence upon which Hillary could start to really build the case that Trump was actually in league with Moscow.”

Not only did Clinton believe this, but her followers did as well, as did the corporate media and, evidently, the FBI. This is the takeaway from text messages that FBI counterintelligence chief Peter Strzok exchanged with FBI staff attorney Lisa Page.

Andrew McCarthy, who has done a masterful job of reconstructing the sequence, notes that in late July 2016, Page mentioned an article she had come

across on a liberal web site discussing Trump's alleged Russia ties. Strzok texted back that he's "partial to any women sending articles about nasty the Russians are." Page replied that the Russians "are probably the worst. Very little I finding redeeming about this. Even in history. Couple of good writers and artists I guess." Strzok heartily agreed: "f***ing conniving cheating savages. At statecraft, athletics, you name it. I'm glad I'm on Team USA."

The F'ing Russian 'Savages'

This is the institutional bias that the *Times* doesn't dare mention. An agency whose top officials believe that "f***ing conniving cheating savages" are breaking down the door is one that is fairly guaranteed to construe evidence in the most negative, anti-Russian way possible while ignoring anything to the contrary. So what if Carter Page had cooperated with the FBI? What's important is that he had had contact with Russian intelligence at all, which was enough to render him suspicious in the bureau's eyes. Ditto Konstantin Kilimnik. So what if the Ukrainian authorities had declined to press charges? The fact that they had even looked was damning enough.

The FBI thus made the classic methodological error of allowing its investigation to be contaminated by its preconceived beliefs. Objectivity fell by the wayside. The *Times* says that Christopher Steele, the ex-MI6 agent whose infamous, DNC and Clinton camp paid-for opposition research dossier turned "golden showers" into a household term, struck the FBI as "highly credible" because he had "helped agents unravel complicated cases" in the past. Perhaps. But the real reason is that he told agents what they wanted to hear, which is that the "Russian regime has been cultivating, supporting and assisting TRUMP for at least 5 years" with the "[a]im, endorsed by PUTIN, ... [of] encourage[ing] splits and divisions in [the] western alliance" (which can be construed as a shrewd defensive move against a Western alliance massing troops on Russian borders.)

What else would one expect of people as "nasty" as these? In fact, the Steele dossier should have caused alarm bells to go off. How could Putin have possibly known five years before that Trump would be a viable presidential candidate? Why would high-level Kremlin officials share inside information with an ex-intelligence official thousands of miles away? Why would the dossier declare on one page that the Kremlin has offered Trump "various lucrative real estate development business deals" but then say on another that Trump's efforts to drum up business had gone nowhere and that he therefore "had had to settle for the use of extensive sexual services there from local prostitutes rather than business success"? Given that the dossier was little more than "oppo research" commissioned and funded by the Democratic National

Committee and the Clinton campaign, why was it worthy of consideration at all?

The Rush to Believe

But all such questions disappeared amid the general rush to believe. The *Times* is right that the FBI slow-walked the investigation until Election Day. This is because agents assumed that Trump would lose and that therefore there was no need to rush. But when he didn't, the mood turned to one of panic and fury.

Without offering a shred of evidence, the FBI, CIA, NSA, and Director of National Intelligence James Clapper issued a formal assessment on Jan. 6, 2017, that "Putin ordered an influence campaign in 2016 aimed at the US presidential election ... [in order] to undermine public faith in the US democratic process, denigrate Secretary Clinton, and harm her electability and potential presidency." The "assessment" contains this disclaimer: "Judgments are not intended to imply that we have proof that shows something to be a fact. Assessments are based on collected information, which is often incomplete or fragmentary, as well as logic, argumentation, and precedents."

The New Yorker reports that an ex-aide to John McCain hoped to persuade the senator to use the Steele dossier to force Trump to resign even before taking office. (The ex-aide denies that this was the case.)

When FBI Director James Comey personally confronted Trump with news of the dossier two weeks prior to inauguration, the *Times* says he "feared making this conversation a 'J. Edgar Hoover-type situation,' with the FBI presenting embarrassing information "to lord over a president-elect."

But that is precisely what happened. When someone – most likely CIA Director John Brennan, now a commentator with NBC News – leaked word of the meeting and *Buzzfeed* published the dossier four days later, the corporate media went wild. Trump was gravely wounded, while Adam Schiff, Democratic point man on the House Intelligence Committee, would subsequently trumpet the Steele dossier as the unvarnished truth. According to the *Times* account, Trump was unpersuaded by Comey's assurances that he was there to help. "Hours earlier," the paper says, "...he debuted what would quickly become a favorite phrase: 'This is a political witch hunt.'"

The *Times* clearly regards the idea as preposterous on its face. But while Trump is wrong about many things, on this one subject he happens to be right. The press, the intelligence community, and the Democrats have all gone off the deep end in search of a Russia connection that doesn't exist. They misled their readers, they made fools of themselves, and they committed a crime against journalism. And now they're trying to dodge the blame.

Daniel Lazare is the author of *The Frozen Republic: How the Constitution Is Paralyzing Democracy* (Harcourt Brace, 1996) and other books about American politics. He has written for a wide variety of publications from *The Nation* to *Le Monde Diplomatique*, and his articles about the Middle East, terrorism, Eastern Europe, and other topics appear regularly on such websites as *Jacobin* and *The American Conservative*.

The U.S. is Meddling in Venezuelan Election

As Venezuelans go to the polls Sunday, the U.S. is working to disrupt the re-election of Nicolás Maduro and rollback leftwing governments in the region, reports Roger D. Harris.

By Roger D. Harris *Special to Consortium News*



Venezuelan President Nicolás Maduro is the frontrunner in the presidential elections that will take place on Sunday. If past pronouncements and practice by the United States are any indication, every effort will be made to oust an avowed socialist from the the U.S. “backyard.”

This week, the leftist president of Bolivia, Evo Morales, tweeted: “Before the elections they (U.S. and allies) will carry out violent actions supported by the media and after the elections they will try a military invasion with Armed Forces from neighboring countries.”

U.S. antipathy towards the Venezuelan government started with the election of Hugo Chávez in 1998, followed by a brief and unsuccessful U.S.-backed coup in 2002. Chávez made the magnanimous, but politically imprudent, gesture of pardoning the *golpistas*, who are still trying to achieve by extra-parliamentary means what they have been unable to realize democratically. After Chávez died in 2013, the Venezuelans elected Maduro to carry on what has become known as the Bolivarian Revolution.

The Phantom Menace

In 2015 then U.S. President Barack Obama declared “a national emergency” because of a supposed Venezuelan threat to the U.S. The U.S. has military bases to the

west of Venezuela in Colombia and to the east in the Dutch colonial islands. The Fourth Fleet patrols Venezuela's Caribbean coast. Yet somehow in the twisted logic of imperialism, the phantom of Venezuela posed a menacing, "extraordinary threat" to the U.S.

Each year Obama renewed and deepened sanctions against Venezuela under the National Emergencies Act. Taking no chances that his successor might not be sufficiently hostile to Venezuela, Obama prematurely renewed the sanctions his last year in office even though the sanctions would not have expired until two months into Trump's tenure.

The fear was that presumptive U.S. Secretary of State Rex Tillerson might try to normalize U.S. -Venezuelan relations to negotiate an oil deal between Venezuela and his former employer Exxon. As it turns out, the Democrats need not have feared Trump going soft on regime change.

Last August, Donald Trump publicly raised the "military option" to overthrow Venezuela's democratically-elected government. Then David Smilde of the Washington Office on Latin America (WOLA) counseled for regime change, not by military means, but by "deepening the current sanctions" to "save Venezuela." The somewhat liberal, inside-the-beltway NGO argued against a direct military invasion because the Venezuelan military would resist, not because such an act is the gravest violation of international law.

Meanwhile the sanctions have taken a punishing toll on the Venezuelan people, even causing death. Sanctions are designed, in Richard Nixon's blood-curdling words, to "make the economy scream" so that the people will abandon their democratically elected government for one vetted by the U.S.

In January, Trump's first State of the Union address called for regime change of leftist governments in Latin America, boasting, "My government has imposed harsh sanctions on the communist and socialist dictatorships of Cuba and Venezuela." Hearing these stirring words, both Democrats and Republicans burst out in thunderous applause.

"Dictatorships," as the term is wielded by the U.S. government and mainstream media, should be understood as countries that try to govern in the interests of their own peoples rather than privileging the dictates of the U.S. State Department and the prerogatives of international capital.

Attack of the Clones

In addition to summoning Venezuela's sycophantic domestic opposition, who support sanctions against their own people, the U.S. has gone on the offensive using the regional Lima Group to destabilize Venezuela. The group was

established last August in Lima, the capital of Peru, as a block to oppose Venezuela.

The eighth Summit of the Americas was held in Lima in April under the lofty slogan of "democratic governance against corruption." Unfortunately for the imperialists, the president of the host country was unable to greet the other U.S. clones. A few days earlier he had been forced to resign because of corruption. Venezuelan President Maduro was barred from attending.

Along with Peru and the U.S. ' ever faithful junior partner Canada, other members of the Lima Group are:

- Mexico, a prime participant of the U.S. -sponsored War on Drugs, is plagued with drug cartel violence. The frontrunner for the July presidential election is left-of-center Andrés Manuel López Obrador (AMLO), who is widely believed to have won the last two elections only to have them stolen from him.
- Panama's government is a direct descendent of the one installed on a U.S. warship when the U.S. invaded Panama in 1989. Recall the triggering incident that unleashed U.S. bombs and 26,000 troops into Panama against a defense force of 3,000: a GI in civilian clothes was fatally shot running a military checkpoint and another GI and his wife were assaulted. What similarly grave affront to the global hegemon might precipitate a comparable military response for Venezuela? Panama imposed sanctions against Venezuela in a spat in April, accusing Venezuela of money laundering. Panama is a regional money laundering center for the illicit drug trade (some alleged through a Trump-owned hotel).
- Argentina elected Mauricio Macri president in 2015. He immediately sold the country out to the vulture funds and the IMF while imposing severe austerity measures on working people. The economy has tanked, reversing the gains of the previous left-leaning presidencies of Néstor Kirchner and Cristina Fernández. Military and diplomatic deference to the U.S. has become the order of the day. Macri has negotiated installation of two U.S. military bases in Argentina, first with Obama and now with Trump.
- Brazil deposed its left-leaning, democratically elected President Dilma Rousseff in a 2016 parliamentary coup. Her successor, the unelected Michel Temer, has imposed austerity measures and cooperated with the U.S. in joint military exercises along the Brazilian border with Venezuela. Temer suffers from single digit popularity ratings and is barred from running for public

office due to a corruption conviction. Former left-leaning president "Lula" da Silva is the frontrunner in October's presidential election but was imprisoned in April by Temer's government.

- Chile was the victim of the U.S. -backed coup, which overthrew the elected left-leaning government of Salvador Allende in 1973. A reign of terror followed with the extreme rightwing government of Gen. Augusto Pinochet killing thousands. An economic and diplomatic destabilization campaign coordinated by Washington set the stage for the coup. The Chilean regime-change scenario could be the model for Venezuela. The rightwing opposition in Venezuela torched a maternity hospital with mothers and babies inside and even poured gasoline on suspected Chávez supporters, burning them alive.
- Colombia is the U.S. ' closest ally in the region, the recipient of the most U.S. military aid, and the source of the greatest amount of illicit drugs afflicting the U.S. . The Colombian government has flaunted its recent peace accords with the FARC and continues to be a world leader with 7 million internally displaced persons and political assassinations of trade union leaders, human rights workers, and journalists. In cooperation with the U.S. , Colombia has been provocatively massing troops along its border with Venezuela.
- Costa Rica is a neoliberal state that has been a staunch silent partner of U.S. imperialism ever since it served as a base for the Contra war against the Sandinista government of Nicaragua.
- Guatemala is a major source of undocumented immigrants fleeing violence into the relative safety of the U.S. . Femicide is rampant as is criminal impunity, all legacies of the U.S. -backed dirty war of genocide from the 1960s through the '80s, which claimed some 200,000 Mayan lives.
- Honduras' left-leaning President Zelaya was deposed in a U.S. -backed coup in 2009. In the aftermath of rightwing repression and domestic violence, Honduras earned the title of murder capital of the world. The current rightwing president was reelected last November in an election so blatantly fraudulent that even the Organization of American States (OAS) failed to endorse the results.
- Paraguay is the site of the first of the rightwing parliamentary coups in

the region when left-leaning President Fernando Lugo was deposed in 2012.

Such is the nature of the rightwing states allied against Venezuela in contemporary Latin America. Perhaps the most dangerous aspect of this right tide is the willingness of Brazil and Argentina to allow U.S. military installations in their border areas as well as conducting joint U.S. -led military exercises with contingents from Panama, Colombia and other countries.

Cuba, Bolivia, and Nicaragua are Venezuela's few remaining regional allies, all of which have been subject to U.S. -backed regime-change schemes. Most recently, the Nicaraguan government undertook modest measures to increase workers' and employers' contributions but lower benefits. It led to violent demonstrations. Some sources hostile to the Ortega government labelled the protests as "made in the U.S. A." In the face of such protests, the government rescinded the changes on April 23.

The Empire Strikes Back

In early April, the U.S. Southern Command conducted a series of military exercises, dubbed "Fused Response," just 10 miles off the Venezuelan coast, simulating an invasion.

Later that month, Juan Cruz, Special Assistant to President Trump and Senior Director for Western Hemisphere Affairs, was asked whether the U.S. government supports a military coup in Venezuela. Speaking for the White House and dripping with imperial arrogance, he responded affirmatively:

"If you look at the history of Venezuela, there's never been a seminal movement in Venezuela's history, politics, that did not involve the military. And so it would be naïve for us to think that a solution in Venezuela wouldn't in some fashion include a very strong nod – at a minimum – strong nod from the military, a whisper in the ear, a coaxing or a nudging, or something a lot stronger than that."

Across the Atlantic on May 3, the European Parliament demanded Venezuela suspend presidential elections. Four days later, U.S. Vice President Pence called on the OAS to expel Venezuela. Adding injury to insult, the U.S. announced yet another round of sanctions. Then the next day, U.S. ambassador to the UN Nikki Haley joined the chorus calling on President Maduro to cancel the presidential election and resign.

Far more blatant and frightening is the *Plan to Overthrow the Venezuelan Dictatorship – Masterstroke*, dated February 23, 2018. *Masterstroke* was leaked on the website Voltaire.net.org and picked up by Stella Calloni in the reliable and respected Resumen Latinoamericano. Although *Masterstroke* is unverified, the

contents as reported by Calloni are entirely consistent with U.S. policy and pronouncements:

“The document signed by the head of the U.S. Southern Command demands making the Maduro government unsustainable by forcing him to give up, negotiate or escape. This Plan to end in very short terms the so-called ‘dictatorship’ of Venezuela calls for, ‘Increase internal instability to critical levels, intensifying the decapitalization of the country, the escape of foreign capital and the deterioration of the national currency, through the application of new inflationary measures that increase this deterioration.’”

That is, blame the Venezuelan government for the conditions imposed upon it by its enemies.

Masterstroke calls for, “Continuing to harden the condition within the (Venezuelan) Armed Forces to carry out a coup d’état, before the end of 2018, if this crisis does not cause the dictatorship to collapse or if the dictator (Maduro) does not decide to step aside.”

Failing an internal coup, *Masterstroke* plans an international military invasion: “Uniting Brazil, Argentina, Colombia and Panama to contribute a good number of troops, make use of their geographic proximity...”

A New Hope

With the urging of the Pope and under the auspices of the government of the Dominican Republic, the Maduro government and elements of the opposition agreed to sit down to negotiate last January in the hopes of ending the cycle of violence and the deterioration of living conditions in Venezuela.

By early February they had come to a tentative agreement to hold elections. The Maduro government initially opposed a UN election observation team as a violation of national sovereignty, but then accepted it as a concession to the opposition. The opposition in turn would work to end the unilateral sanctions by the U.S. , Canada, and the EU, which are so severely crippling the daily life of ordinary Venezuelans. Two years of adroit diplomacy by the Maduro government with the less extreme elements of the opposition were bearing fruit.

The agreement had been crafted and a meeting was called for the government and the opposition to sign on. The government came to the final meeting, but not the opposition. The opposition as good clones of Washington had gotten a call from their handlers to bail.

In a damned-if-you-do/damned-if-you-don’t scenario, the U.S. first accused Venezuela of not scheduling presidential elections. Then elections were

scheduled, but too early for the U.S. . Then the date of the elections was moved to April and then extended to May. No matter what, the U.S. would not abide by any elections in Venezuela. *Ipsa factoelections* are considered fraudulent by U.S. if the people might vote for the wrong candidate.

Mesa de la Unidad Democrática (MUD), the coalition of Venezuelan opposition groups allied with and partially funded by the U.S., are accordingly boycotting Sunday's election and are putting pressure on Henri Falcón to withdraw his candidacy. Falcón is Maduro's main competition in the election. MUD has already concluded that the election is fraudulent and are doing all they can to discourage voting.

CNBC, reflecting the Washington consensus, expects the U.S. to directly target the Venezuelan oil industry immediately after the election in what they describe as "a huge sucker punch to Maduro's socialist administration, which is depending almost entirely on crude sales to try and decelerate a deepening economic crisis."

Ever hopeful and always militant, Maduro launched the new Petro cryptocurrency and revalued the country's traditional currency, the Bolivar, in March. The Petro is collateralized on Venezuela's vast mineral resources: the largest petroleum reserves in the world and large reserves of gold and other precious metals. The U.S. immediately accused Venezuela of sinisterly trying to circumvent the sanctions...which is precisely the intent of the Petro and other economic reforms, some of which are promised for after the presidential election.

The Force Awakens

Latin America has been considered the U.S. empire's proprietary backyard since the proclamation of the Monroe Document in 1823, reaffirmed by John F. Kennedy's Alliance for Progress in 1961, and asserted by today's open military posturing by President Trump.

The so-called Pink Tide of left-leaning governments spearheaded by Venezuela in the early part of this century served as a counter-hegemonic force. By any objective estimation that force has been ebbing but can awaken.

Before Chávez, all of Latin America suffered under neoliberal regimes except Cuba. If Maduro is overthrown, a major obstacle to re-establishing this hemispheric wide neoliberalism would be gone.

The future of Venezuela's Bolivarian Revolution is pivotal to the future of the counter-hegemonic project, which is why it is the empire's prime target in the Western Hemisphere. If the Venezuelan government falls, all Latin American

progressive movements could suffer immensely: AMLO's campaign in Mexico, the resistance in Honduras and Argentina, maybe the complete end of the peace accords in Colombia, a left alternative to Lenin Moreno in Ecuador, the Sandinista social programs in Nicaragua, the struggle for Lula's presidency in Brazil, and even Morales and the indigenous movements in Bolivia.

As U.S. National Security Advisor Henry Kissinger said in 1970: "I don't see why we need to stand by and watch a country go communist due to the irresponsibility of its people. The issues are much too important for the Chilean voters to be left to decide for themselves."

Roger D. Harris is the immediate past president of the 32-year-old, anti-imperialist human rights organization, the Task Force on the Americas. He will be observing the Venezuela presidential election on a delegation with Venezuela Analysis and the Intrepid News Fund.

Haspel Could Be Subject to Arrest Abroad Under Universal Jurisdiction

Gina Haspel is the new CIA Director after the Senate voted on Thursday 54-44 to confirm her, with six Democrats agreeing. In this interview, Francis Boyle explains why Haspel could be at risk of arrest on trips abroad.

By Dennis J Bernstein



Francis Boyle is professor of international law at the University of Illinois College of Law. He is the author of many books on International Law and an outspoken critic of US policy in the Middle East. Boyle's books include *Foundations of World Order* and the sequel, *Destroying World Order*. In the following interview with Pacifica Radio host Dennis J Bernstein, Boyle warns that, among other things, given her background as key implementer of the US torture program, Gina Haspel is vulnerable to be arrested for war crimes and crimes against humanity if she travels abroad.

Dennis Bernstein spoke with Francis Boyle on May 10th, 2018. [The transcript has been updated to reflect Haspel's confirmation.]

DB: [We now have a new] a new CIA director who likes to get her hands dirty and participate directly in torture. She has also been actively involved in making sure nobody finds out that torture takes place.

FB: "Bloody" Gina Haspel is her nickname at the CIA. She was directly involved in the extraordinary rendition program, which is a euphemism for the enforced disappearance of human beings and their consequent torture. This was in the complaint I filed against Bush and company in 2010 with the International Criminal Court for this crime against humanity.

Last fall the ICC prosecutor, Fatou Bensouda, said she is going to open up an investigation into the entire CIA extraordinary rendition program for violating the Rome Statute. Although the United States is not a party to the Rome Statute, these actions took place on the territorial sovereignty of Rome Statute states, and therefore the ICC does have jurisdiction. In my opinion, Gina Haspel is a presumptive war criminal and torturer. [We now] have a torturer and war criminal as head of the CIA.

As I have argued in anti-CIA cases here in the United States, the CIA is an organized criminal conspiracy like the SS and the Gestapo. We argued that successfully back in 1987 at University of Massachusetts, Amherst. I was involved in large numbers of CIA protest cases back in the 1980's because of what was going on in Central America, with 35,000 dead in Nicaragua, 75,000 dead in El Salvador, and perhaps a quarter of a million in Guatemala. Most of those killed were Mayan Indians, which meant outright genocide.

DB: Will it be difficult for our director of the CIA to travel abroad? Maybe she has to be covert forever.

FB: That is correct. Under international law today—following a terrible decision by the International Court of Justice—heads of state and foreign ministers have diplomatic immunity while there are in office. But that is not going to apply to the head of the CIA.

I have a whole dossier here against Bush, Jr. and the rest of them for the extraordinary rendition program. We scared him out of Switzerland over that. A Swiss prosecutor demanded that Bush be prosecuted if he showed up in Switzerland. I know that Amnesty International and the Center for Constitutional Rights also have extensive dossiers against high-level US officials involved in these torture programs, including Haspel. She would be a sitting duck for international human rights lawyers. The evidence is there.

We have a 600-page executive summary of the Senate Foreign Intelligence Committee's report on the extent of torture and extraordinary disappearances by the CIA. This is an official US government document. She was not personally named in there, but she was a high-level official who was personally involved. She certainly supervised the operation in Thailand. Under international law, there is a command responsibility. She is denying that she herself physically

tortured anyone, but she supervised others doing the torturing. Under international criminal law, she is accountable for the criminal behavior she oversaw.

DB: She admitted at the hearing that she had the tapes of these torture sessions but she considered it prudent to destroy them.

FB: The Senate Committee had just announced their investigation so her boss, Jose Rodriguez, ordered her to destroy the tapes. Arguably, this would be obstruction of justice. [We now have] a notorious international criminal heading up the CIA. In my opinion, any senator who vote[d] to confirm her [became] an accessory after the fact to her crimes: torture, war crimes, crimes against humanity, and violations of the Geneva Conventions and the Convention against Torture.

DB: This is a very difficult time. We are all worried about our friend Ray McGovern, a former CIA analyst who was brutalized while protesting the Haspel nomination. Obviously, they are very serious about shutting up anyone protesting torture.

FB: Ray arguably has the defense of prevention of crimes under international law. I am not saying it would be a winner, because it is always tough going into a federal court and defending anyone protesting and resisting criminal behavior by the United States government.

Dennis J. Bernstein is a host of "Flashpoints" on the Pacifica radio network and the author of *Special Ed: Voices from a Hidden Classroom*. You can access the audio archives at www.flashpoints.net. You can get in touch with the author at dbernstein@igc.org.
