

# JOHN BRENNAN PROMISES TO TAKE THE GLOVES OFF

In response to John Brennan's nomination, PBS sent out the clip from their 2006 interview in which he endorsed taking the gloves off. I find that clip, plus the complete interview transcript, all the more instructive given what has transpired with the Gloves Come Off Memorandum of Notification in the last two years and, I suspect, in last week's opinion refusing to release the targeted killing memo. (Here's a post describing the MON, and here's the entire series: post 1, post 2, post 3, post 4, post 5, post 6, post 7, post 8, post 9, plus post 10 and post 11.) The short version of those posts is that the Executive Branch doesn't consider the OLC memos the authorizing documents for its counterterrorism program—it considers this MON that document. But it is written such that it permits both the Agency and the Executive to avoid all accountability for these law-breaking programs.

Here, when the interviewer asks Brennan about "the Dark Side"—the title of the program—Brennan responds instead by talking about "taking the gloves off."

Why would the vice president, and even the secretary of defense, want to talk about or have the country or want to warn the country about going to "the dark side"?

I don't know. You'd have to ask them. ... The point is the war or the campaign against terrorism can be a long one, and that the opposition, whether it be Al Qaeda, or whether it be Iraq, doesn't play by the Marquis de Queensbury rules. Therefore, the U.S. in some areas has to take off the gloves. And I think that's entirely appropriate. I think we do have

to take off the gloves in some areas,  
but within balance, and at the right  
time and the right way, and for the  
right reason and with full understanding  
of what the consequences of that might  
be. [emphasis mine]

As I observed, the interviewer asks about “the Dark Side”, but then Brennan offers up the term “gloves come off” instead. He does so, notably, with regards to both al Qaeda—the terrorists—and Iraq (in 2006!)-the nation-state against which we trumped up a war. He not only endorses the notion that the Iraq war was part of the war on terror, but also that the US could “take its gloves off” even in a war with another nation-state purportedly governed by the traditional law of war.

In the phrase, John Brennan is endorsing “taking the gloves off,” in the name of terrorism, with any country we happen to be fighting that might-maybe-play dirty.

Then the interviewer asks Brennan—first and foremost—about the Bybee memo, but also about the AUMF. Brennan responds by talking about Findings.

One of the things that [the  
administration does] right away is get  
lots of legal justifications lined up,  
from the Bybee memo [the so-called  
“torture memo”] to everything,  
commander-in-chief power, the War  
Authorization Act. Would there have been  
very much difference between what Tenet  
believed the CIA should do in terms of  
renditions and all of it and what we can  
assume the vice president and the  
president and others would want the CIA  
to do? Was Tenet especially more  
careful, more cautious, more anything  
than they were sounding like they were?

I think George had two concerns. One is  
to make sure that there was that legal

justification, as well as protection for CIA officers who are going to be engaged in some of these things, so that they would not be then prosecuted or held liable for actions that were being directed by the administration. So we want to make sure the findings and other things were done appropriately, with the appropriate Department of Justice review. [brackets original; my emphasis]

At least one and probably two courts have said that no sitting Administration official has admitted that all the law-breaking in pursuit of terrorists was authorized not by an OLC memo, but first and foremost a Finding.

Oh yes one has.

And he did so in a conversation framed precisely in the same way Cofer Black, author of the *Gloves Come Off MON*, did.

Earlier in the interview, in fact, Brennan hails Black's heroism, and obliquely invokes the *Gloves Come Off MON* Black presented to the White House with George Tenet.

Cofer is certainly one of the true heroes, as well as characters of the agency. He had tremendous enthusiasm for his work. He was somebody who would always want to rally his troops. He, I think, took this attack on 9/11 personally, and therefore wanted to do everything possible. He was somebody who was pointing to the threat from Al Qaeda for many months before the attack on 9/11. And so he saw his responsibility to make sure that the people in CTC [Counterterrorism Center] were doing everything possible, the people overseas were doing everything possible.

And in the immediate aftermath of 9/11, there was a lot of work that needed to be done in terms of what was going to be the U.S. government's response, and what

was going to be the intelligence response to that. So Cofer and his people pulled together what was going to be the next step as far as going after Al Qaeda, going after Afghanistan. And they were the ones that actually were going to bring the plans to the table first, and present them with George at the White House. [brackets original]

Thus far, Brennan's endorsement of Cofer Black's policies (which included torture and assassination squads, as well as partnering with regimes like Assad and Qaddafi, and outsourcing much of our work to Mubarak's torturers in Egypt) is fairly horrible.

But then he makes what—from the perspective of the rising CIA Director in 2013—are pretty ironic statements.

But at the same time, there is a question about how aggressive you want to be against terrorism in terms of, what does it mean to take the gloves off? There was a real debate within the agency, including today, about what are the minimum standards that you want to stoop to and beyond where you're not going to go, because we don't want to stoop to using the same types of standards that terrorists use. We are in this business, whether it be intelligence or the government, to protect freedom, democracy and liberty, not to violate that.

When it comes to individuals who are determined to destroy our nation, though, we have to make sure that we take every possible measure. It's a tough ethical question, and it's a question that really needs to be aired more publicly. The issue of the reported domestic spying – these are very healthy debates that need to take place. They can't be stifled, because I think that

we as a country and a society have to determine what is it we want to do, whether it be eavesdropping, whether it be taking actions against individuals who are either known or suspected to be terrorists. What length do we want to go to? What measures do we want to use? What tactics do we want to use? [my underline]

Sure, I've seen all the chump commentators today who point to John Brennan's deceptive drone speech and because of it claim Brennan believes in transparency. And here he is suggesting that we should have debates about whether we torture people or wiretap Americans.

That would be ironic enough based solely on the Brennan-Obama treatment of the warrantless wiretap program. After all, Brennan's the guy (himself implicated in the program) who convinced Obama to support an FAA that immunized the telecoms, and with it ensured that none of this became public. Presumably, he was involved in the Administration press to both make sure there was no debate last month, but also to hide the connection between FAA and Section 215.

But consider what happened in between the time John Brennan, intelligence contractor, advocated for public debate in 2006, and the time he got nominated to lead the CIA in 2013.

The Administration—in which he serves as the key counterterrorism advisor—successfully fought to ensure programs covered by that MON his hero Cofer Black dreamt up would never see the light of day. Unless another circuit disagrees with the 2nd, American citizens will never get to know who and how things like the drone targeting program get authorized.

I have repeatedly noted that with the move to CIA, Congress at least has the authority to exercise some oversight over Brennan; they don't have oversight over him in the White House.

But at least within the 2nd Circuit, that court

ruling will ensure that when John Brennan removes the gloves, he remains immune from public oversight.

Whether Brennan believes in public debate or not (his actions, as opposed to the anonymous statements of his boosters, suggests he does not), he is taking over CIA with the probability that any performance of transparency (like his mendacious speech on drones) will be just that: a performance protected from any real check on his lies.